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House of Representatives

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal Father, strong to save, because You have revealed even in our days, the faith of our brothers and sisters, we give You thanks. Here in the House of Representatives, You have gathered those who have a unique love of Your people and a genuine care for their future. Your Divine Providence has brought them here. So now guide them as they complete the work of the 108th Congress.

May the deeper unity of this Nation arise above partisanship and the inner strength of America's goodness and gratitude emerge from its lament and

self-centered nature to find authentic expression of heartfelt prayer on our national feast of Thanksgiving.

All of us, Lord, are truly grateful for the many blessings You bestow upon us as families and as a Nation.

We thank You, now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. HASTINGS) come forward and lead the House in the Pledge of Allegiance.

Mr. HASTINGS of Florida led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minute speeches on each side.

NOTICE

If the 108th Congress, 2d Session, adjourns sine die on or before November 20, 2004, a final issue of the Congressional Record for the 108th Congress, 2d Session, will be published on Monday, December 13, 2004, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Friday, December 10. The final issue will be dated Monday, December 13, 2004, and will be delivered on Tuesday, December 14, 2004.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

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By order of the Joint Committee on Printing.

ROBERT W. NEY, *Chairman*.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H10001

ROGER BACON WINS DIVISION II STATE VOLLEYBALL CHAMPIONSHIP

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, today I would like to take a moment to recognize the achievements of an exceptional high school volleyball team from my district, St. Bernard in Cincinnati, the Roger Bacon Lady Spartans.

On November 13, Roger Bacon defeated Millersburg West Holmes to capture Ohio's Division II State volleyball championship. The Lady Spartans dominated the final match by winning three straight games, while also capping off the season with an impressive 27-game winning streak. This is an extraordinary accomplishment because Cincinnati has some tremendous high school girls volleyball teams, Mother Mercy and St. Ursula and Seton and Mt. Notre Dame and McCauley, just to name a few.

It is a great honor for me to recognize the success and achievements of these outstanding young women and their coach, Caryl Schawe, and the entire staff. Their hard work and dedication have made our entire community proud. Congratulations to Roger Bacon.

IN HONOR OF THOMAS M. FOGLIETTA

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, it is with great sadness that I rise to pay tribute to a former Member of this body, Tom Foglietta, who passed away so suddenly this week. Tommy was a gentleman, a diplomat, and a lovely and gracious man. We will miss him terribly.

At age 26 Tom Foglietta, as a Republican, Mr. Speaker, became the youngest person in the history of Philadelphia to be elected to the city council. He served there for nearly 20 years, devoted to the city he loved. In 1980, as a Democrat, Tom was elected to the Congress. I saw firsthand his values and his effectiveness as a member of the Committee on Appropriations where we developed a strong working relationship and a close friendship and took pride in our mutual respect for our Italian American heritage.

Tommy headed the Congressional Urban Caucus, promoted mass transit, and fought valiantly for the needs of Philadelphia, including the preservation of the Philadelphia Navy Yard. The entire country is in his debt for his relentless dedication to preserve and protect Philadelphia's Independence Hall, one of our Nation's sacred public places. In 1997 President Bill Clinton appointed Tom Foglietta to be the U.S. Ambassador to Italy, fulfilling a lifetime dream of his to serve his beloved

America in his family's ancestral home. Many of us heard him say over and over again that his grandparents came down the hill on a donkey in Italy to leave to go to America and he returned just two generations later as a U.S. Ambassador to Italy. It was in that role, in one simple act, that the world came to love and appreciate Tommy as we do.

Shortly after he arrived, a U.S. Marine fighter plane flying off course struck a cable car wire and killed 20 Italian skiers. There was great grief and outrage over this tragic event. The next day Tommy visited the site, knelt in the cold snow, and said a quiet heartfelt prayer for those who had lost their lives. That photograph of his prayer appeared in newspapers around the world presenting a human face of compassion for the United States. His act helped to diffuse the public anger over the deaths and to convey the sincere apology of our country. Tommy did that spontaneously because he was a man of faith.

We expected no less of our Tommy. Quite simply, he was a good man we all loved to be around.

Tom Foglietta began his political career as a city councilman as a Republican, as I mentioned. He later ran for Congress and won as an Independent and then became a Democrat and remained so for the rest of his life.

But Tommy remained close to the people from all across the political spectrum, a testament to his appealing personality, his open mind, and his respect to each and every person in this body.

Mr. Speaker, I know that I speak for many here when I extend the condolences to Tommy's family and to the Pennsylvania delegation for this loss.

DR. CONDOLEEZZA RICE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to applaud the nomination by President Bush of Dr. Condoleezza Rice to be the 66th United States Secretary of State.

Dr. Rice is an extraordinary American leader who has served our Nation admirably during a time of war. She fully understands the true nature of the terrorist threat against our Nation and has shown the strength and dignity that will be needed to work with our coalition partners in the global war on terrorism.

Dr. Rice, born in Birmingham, Alabama, has lived a remarkable life. A former professor and provost of Stanford University, she is a foreign affairs expert who served in President George H. W. Bush's administration. As the current national security adviser, she is also a respected author and renowned classical pianist. As President Bush announced, the Secretary of State is America's face to the world;

and in Dr. Rice the world will see the strength, the grace, and the decency of our country.

In conclusion, may God bless our troops and we will never forget September 11.

SAVING THE ANAHEIM ANGELS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, in 1965 my siblings and I used to play in the construction site of Anaheim Stadium. In 1966 the Angels played their first season in Anaheim, California. It took us from 1966 to 2 years ago to win a World Series, and boy were we proud of our Anaheim Angels.

Today I rise in strong support of the city of Anaheim in its quest to save the Anaheim Angels. The new owner wants to change the name to the Los Angeles Angels. The city of Anaheim does not want that. The fans of the Anaheim Angels do not want that. Even the City of Los Angeles does not want them named Los Angeles Angels. See, Anaheim is not Los Angeles.

So today I hope that Artie Moreno, the new owner, will realize that they are champions and they are the Anaheim Angels and they should remain the Anaheim Angels.

THE OIL-FOR-FOOD PROGRAM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the amount of money Saddam Hussein socked away by subverting the U.N. Oil-for-Food program was \$21.3 billion. Much of it is being used by terrorists in Iraq to this very day. After the Gulf War, the international community set about to make sure that the international community did not add to the suffering of the Iraqi people who already endured under Hussein. Unfortunately, officials at the U.N. and corporate executives conspired with the Iraqi dictator to create a complex web of patronage and bribery.

Mr. Speaker, we all know that Saddam Hussein was an evil dictator who encouraged terror and violence. However, the U.N.'s inability to enforce its own sanctions, 17 of them since 1991, has today been highlighted by its complicity in the suffering of the Iraqi people. There is no excuse. The U.N. must be reformed. Those responsible must be punished. The Oil-for-Food program is a symptom of a much larger problem, a lack of accountability and an absence of resolve.

OVERTIME

(Mr. EMANUEL asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, in today's New York Times we learned about Trudy LeBlue, an employee of a hair salon outside of New Orleans. Ms. LeBlue's story is like that of many hard-working Americans. While she struggles to make ends meet, her employer forces her to work off the clock just to avoid paying overtime.

Across this country American families are working toward a better life, yet find their climb getting tougher. Just this week we learned wholesale inflation is up 1.7 percent last month alone, the sharpest monthly increase in 15 years. Since 2001 health care costs are up by a third, college tuition costs up by 32 percent, personal bankruptcies up by 38 percent.

But what is the Congress doing to reduce the burdens on American families? A tax policy that has shifted the burden onto working families off of wealth, failed to pass a higher education legislation, failed to pass legislation on comprehensive health care or on energy policy. And just last night alone we voted to increase our Nation's debt to \$8 trillion, a 40 percent increase in the past 4 years. This vote was a fitting end to this Congress's record on the economy and what it has done for working families. Rather than making the right choices, we pass the buck.

Mr. Speaker, the American people look to the Congress to solve their problems, not add to them. Yet more than often than not, the 108th Congress has chosen to pass our responsibilities on to future generations. Mr. Speaker, passing the buck is not leadership. It is a Ponzi scheme.

ACCUTANE

(Mr. STUPAK asked and was given permission to address the House for 1 minute.)

Mr. STUPAK. Mr. Speaker, Dr. Graham, medical review officer of the FDA, told the Senate that there are a number of drugs that should be pulled from the market. One of the drugs that should be pulled from the market is the drug Accutane. This devastating drug has crippled America for some time and its youth. Not only has Dr. Graham called for the pulling of Accutane, but Dr. Huene, one of the first medical review officers to look at Accutane when it first came on the market, found serious problems with Accutane and asked for help and was ignored by the FDA. Dr. O'Connell, who suggested severe restrictions of the use of the drug Accutane, again was ignored by the FDA management. Dr. Graham has now come out against this drug, again being ignored by FDA management.

Not only are these three medical review officers in the FDA calling for severe restrictions or pulling the drug from the market, but also the CDC backed in 1990 because of birth defects said this drug should be pulled from

the market. The March of Dimes has said this drug should be severely restricted when used because of birth defects. Two FDA panels have come out and told the FDA, their own advisory panels, to severely restrict the use and distribution of this drug. Again they were ignored.

It is time we pulled this drug Accutane from the market.

HONORING TOM FOGLIETTA

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I rise to honor a former Member of this body and friend who passed away this week, someone who left a profound mark on his community, his Nation, and this institution. Whether it was his dedication to our friends in the international community or the working people in his own community, Tom Foglietta was special, a man with a common touch and high ideals. With Tom we always knew he was someone who would fight, who was with us to the end regardless of the odds or the politics of the matter. His fight to keep the Philadelphia Navy Yard open is legendary.

As I reflect on his time in the Congress, I remember a man who understood what it meant to bring the values of his constituents to Washington. A fellow Italian American, Tom and I often discussed how it was our parents' example serving on respective city councils, his in Philadelphia, mine in New Haven, that inspired us to enter a life of politics and give back to the communities that had given us so much.

Living out his lifelong dream as an ambassador to Italy, I will never forget how he knelt down in prayer for the victims in the Cavalese cable car tragedy, sending a powerful message to the world that America weeps for the sons and daughters of its allies as if they were our very own. In turn, the Italian people loved him as he loved them.

Throughout his career, whether it was his work in Italy, to secure the peace in Haiti, to forge a democracy in South Korea, Tom Foglietta understood that America's role in the world was rooted in moral leadership, in common values, humility and humanity.

I will miss so many things about our friendship, dinners with the gang, eating pasta with gravy, his cooking in my kitchen.

I will miss his friendship, his moral leadership. We all will. Grazi, Don Tomaso. His passion for people knew no bounds. For that he will forever be in our hearts.

TAX RELIEF AND FISCAL DISCIPLINE ARE COMPLEMENTARY, NOT CONFLICTING, OBJECTIVES

(Ms. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARRIS. Mr. Speaker, as we enter a new Congress with the American people's mandate to extend tax relief and reduce the deficit, I wish to remind my colleagues of the following wisdom: "Our true choice is not between tax reduction on the one hand and the avoidance of large Federal deficits on the other . . . It is a paradoxical truth that tax rates are far too high today and tax revenues are too low and the soundest way to raise the revenues in the long run is to cut rates now."

□ 0915

Who articulated this simple but powerful case for the economic policies of this President and this Congress? Not George W. Bush. Not even Ronald Reagan. President John F. Kennedy made these remarks just a month and a half following the hottest moment of the Cold War, the Cuban Missile Crisis.

Kennedy and Reagan launched two of the longest economic booms in American history by cutting taxes. They also increased Federal revenues, more than double during the decade of President Kennedy's across-the-board tax cuts, and more than 75 percent over the 10 years following President Reagan's Economic Recovery Tax Act of 1981.

But from 1981 to 1991, Federal spending increased a whopping 95 percent. Thus, the deficit quadrupled because of runaway government spending, not because the American people got to keep more of their hard-earned money.

Once again, we have arrived at the moment of truth. This time, we cannot make excuses for the failure to restrain spending. This time, our philosophy of low taxes and limited government is on the line. This time, let us show the American people that tax relief and fiscal discipline are complementary, not conflicting objectives.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 859 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 859

Resolved, That it shall be in order at any time on the legislative day of Friday, November 19, 2004, for the Speaker to entertain motions that the House suspend the rules. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

This rule provides that suspensions will be in order at any time on the legislative day of Friday, November 19, 2004. It also provides that the Speaker or his designee will consult with the Minority Leader or her designee on any suspension considered under the rule.

Mr. Speaker, the Republican leadership of this House has sent out a positive legislative plan for this week and the balance of the 108th Congress on behalf of the American people. The goal of this plan is to clean up this Congress's legislative calendar by passing a number of bills before we adjourn that will improve America's economic and national security.

Over the past year, Congress has passed a number of important new education, trade, tax, and national security bills that will keep Americans safer, create new jobs, and improve our economy. Later today, and for the rest of the week, we will consider legislation to improve the Individuals with Disabilities Education Act and provide for consideration of outstanding spending measures to ensure that Congress can complete its work before we adjourn.

I understand that Members on either side of our aisle may have different views about how to address these issues, and we have had and will continue to have the opportunity to hear a great deal of debate from both sides not only on these issues but also on other issues that are important to this Nation.

However, some of this legislation that the Republican House leadership has also scheduled for consideration on behalf of America has broad support from Members of both the majority and the minority. And, in an attempt to make sure that this important work is finished by the end of the 108th Congress, we are here today to pass this rule to provide for consideration of these bills under rules that will require them to pass by a two-thirds majority.

This balanced rule provides the minority with the ability to consult with the Speaker on any suspension that is offered, ensuring that their input and views are duly considered before any legislation is considered under this rule brought to the floor today.

Mr. Speaker, I encourage my colleagues on both sides of the aisle to support this uncontroversial and balanced rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me this time, and I yield myself such time as I may consume.

Mr. Speaker, as has already been explained, under Rule 15 of the House rules, bills may be considered under suspension of the rules only on Mondays and Tuesdays. The 108th Congress has approved the consideration of legislation under suspension of the rules on Wednesdays. Therefore, this resolution is required in order for the House to

consider any bill under suspension of the rules today.

Let me be clear from the onset, Mr. Speaker. The first day of the session or last day of the session, it does not really matter. I and so many others in this body on both sides of the aisle have grave concerns about handling bills outside the normal parameters of the way the House should conduct its business. When the House does operate this way, it effectively curtails our rights and responsibilities as serious legislators. Frankly, Members should be very wary of allowing the leadership to usurp our rights.

I understand the circumstances and the end-of-the-session deadline of which the majority speaks, but their plan is for us to leave today or tomorrow without passing 11 of the 13 bare essential appropriations bills that each Congress is constitutionally mandated to pass into law. Shame on us.

We are planning on leaving today or tomorrow without passing a highway reauthorization bill, the only legislation this Congress would have considered that actually had the potential to create jobs. Shame on us.

We are planning on leaving today or tomorrow without passing comprehensive energy legislation. We are planning on leaving tomorrow or today without extending the child care tax credit to all working families. Shame on us.

We are planning on leaving today or tomorrow without increasing the minimum wage. Shame on us.

We are planning on leaving today while 44 million or more Americans remain uninsured. Shame on us.

We are planning on leaving today or tomorrow without extending unemployment benefits for 1.9 million Americans who lost their jobs during President Bush's first term in office. Shame on us.

We are planning on leaving tomorrow or today without doing anything to extend the solvency of Social Security. Shame on us.

Just yesterday, my friends in the majority voted to again raise the debt limit. They added billions and possibly trillions more to our national debt, leaving our children and grandchildren to pick up the tab for generations to come, and they call themselves the party of fiscal responsibility. Shame on them.

Footnote right there: Something that is not discussed in this body very much, nor was it discussed in the national debate that just concluded with President Bush and Senator KERRY, is the fact that the dollar around the world is troubled, to say the least, and that can have implications for the globe. Somewhere in all of this deficit-building, some of us are going to have to begin to do more than green-eye-shade talk in explaining to the American public the implications of the deficits that we are running on the currency that is the currency of the realm of the world.

For the last 2 years, the majority has been so busy trying to keep its job that it has not done its job. Shame on them.

The Republican leadership has also assured us that the Minority Leader will receive no less than 2 hours notice of any bill before it comes to the House floor. We expect that this assurance will be honored by the majority as well as previous agreements that have been reached between both sides of the aisle on the practices of considering legislation as a suspension. This includes the unwritten rule of not bringing controversial legislation to the floor under suspension of the rules.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the American people understood exactly what the parties stood for, the accomplishments of those parties, and that is what the election was about. I am pleased today to be back in the United States Congress on the floor of the House of Representatives touting not the things that the gentleman from Florida talked about that did not get done but rather the things that did get done, accomplishments that occurred during this year.

I am very proud of the leadership of the gentleman from Illinois (Mr. HASTERT) our Speaker, and the gentleman from Texas (Mr. DELAY), and the gentlewoman from Ohio (Ms. PRYCE), and the gentleman from Missouri (Mr. BLUNT) who have provided this body with the leadership to ensure that the things that were done in the 108th Congress got done.

Mr. Speaker, I hold up 15 pages worth of bills, of accomplishments that this body was a part of. Mr. Speaker, this body was a part of making sure that we would answer the question about how Medicare would address the needs of senior citizens and low-income seniors, and we understood and we understand today that 95 percent of all of the money that is spent in Medicare is spent on major, critical, life-threatening issues that people have. We have changed that now to, instead of dealing with a person once they are sick, we are going to change that to preventative type of spending. That is what we believe Medicare should be doing. That is not something that we should be ashamed of. That is something we should be proud of.

We are proud that we will have in place this next year again, once again, for low-income seniors, the ability for this government to help them not have to make a decision in buying and receiving their prescription drugs. That is something I am proud of.

I am proud to know that we, once again, had a tax bill, a tax bill that would make sure that we become competitive with this marketplace. Mr. Speaker, when we cut taxes, business gets that money, and they do a bunch of things that are great for this country. They buy more equipment, they

employ more people, and we become competitive with the world.

I would say that Republicans have a different philosophy than Democrats. We believe that we should do a few things and do them well, and that is what this Republican Congress has done this year. We have not just rushed out and tried to tackle every single issue. We have done the things that will make a huge difference for the American public.

I believe that that is what this election was about, and I believe that this President stood before the American people and talked about what his policies had been and will be. I think they are accomplishments that I am proud of, I think that this body is proud of them, and I darn sure know that the American people turned out in record numbers to say thank you so much for the service to this great Nation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I rise only to engage my colleague in a colloquy. The gentleman from Texas (Mr. SESSIONS) says the words "American people." Well, there are 55 million American people that probably have some differences with some of the things that the gentleman has discussed. Let me join my good friend in saying to him unequivocally that all of the things that he says that passed this body doubtless are good things from his point of view. But there are some that are not good things from other people's points of view.

Now, I would ask the gentleman a question: Did the President of the United States sign all 13 appropriations bills as is mandated in the United States Constitution to be done by this body by October 1 of each fiscal year? Did the President sign 13 appropriations measures? And answer the next question: How many did he sign?

□ 0930

Mr. SESSIONS. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman from Florida engaging in this wonderful discussion. I have been here for 8 years. During those 8 years as a Member of Congress, I believe 5 of those years I have been here at Christmas time, the week of Christmas, doing the job that needed to be done.

I do understand that we do have these 13 spending bills that need to be done. I also recognize we have a process. The gentleman and I sit up late at night in the Committee on Rules attempting to work through those processes to make sure the President does get the needed legislation before him. But we have the underpinnings of the Constitution where we have two bodies, the Senate and the House. If we do our work, it does not mean they have to do

their work. Likewise, if they do their work, it does not mean we have to. So we have to come to an agreement and those agreements sometimes take a little longer, but what we have avoided is shutting down the government.

The government has done its business. We have been very successful to make sure that we address those issues. So I would say that, well, yes, the President is supposed to sign those bills, but at least we have not gone home before he will get a chance to do that.

Mr. HASTINGS of Florida. Mr. Speaker, reclaiming my time, I might comment that I thought perhaps my friend was on a talk show where one of the hosts asked him a question, and as is typical of us, we give nice long answers without specifically answering the question.

I just put out again for my friend that the President has signed two of the appropriation measures. We have been here, you and I, late into the year doing our work, and there have been other times when this has not been done pursuant to the Constitution. That does not make it right. Basically, what we have done, we have borrowed money from foreign investors in order that we might go about giving tax cuts, which ultimately will allow that we will pay greater interest on the deficit over a period of time, and your children and mine, and their children, are going to pay this debt.

Now, my colleague can name it anything he wants to, but we have a responsibility here in this body to pass those 13 appropriation measures. And the real reason we cannot pass them is because we have decided that we want to give tax cuts, and we cannot do the things that are necessary for highway transportation and child tax care; and I could go on and on.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman for his observations about our not being able to do the things that need to be done because of tax cuts. Mr. Speaker, there is a difference between our parties. One of the differences is taxing and spending. We, as Republicans, believe that if we give the American people back more of their own money that they earned that we will create a circumstance, an environment, an economy in this country that grows to where people become employed, we become competitive with the world, and we do the things ultimately to give people, the American public, more of their own money so they can live their own dreams and make their own dreams happen.

I do recognize we have a difference in our opinions. I do recognize that one party wants to tax and spend. I do understand that one party wants to give tax cuts and grow the economy. But at some point we also have to get our work done, and that is what we are trying to do today by saying that this rule

is about allowing that necessary business when the minority leader, when the majority leader, and Speaker agree on legislation that can come to this floor.

We are waiting here for other business to be finished and done, but it does not mean we should shut off debate or for other very important legislation if there is complete bipartisan agreement about moving forward. So I am proud today once again to stand here before the American public and to say we are ready to do business here in the House of Representatives, and in a few minutes we will have more work that needs to be done.

We will handle legislation dealing with what is called IDEA, the Individuals With Disabilities Act, that deals with important education changes that have also been worked on and have bipartisan agreement that the gentleman and I heard about last night in the Committee on Rules.

So for us to say we are not doing our work, that we are a failure is simply not, I do not believe, a correct enunciation of what this House of Representatives has stood for these last few years or stands for today. We are ready, capable, and able to work and reach out across the aisle to bring legislation that is important to the American people and for it to be sound legislation, for it to make a difference to the American people, but more importantly that it be done in a proper, cautious fashion that creates health and opportunity for the American economy and for the American family.

That is what this United States Congress should be all about, producing a product that are accomplishments that we can be proud of.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the resolution.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment concurrent resolution of the House of the following title:

H. Con. Res. 464. Concurrent resolution honoring the 10 communities selected to receive the 2004 All-America City Award.

The message also announced that Mr. COCHRAN be added as a conferee in Lieu of Mr. SPECTER, on the part of the Senate, on the bill (H.R. 4818) "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes."

The message also announced that the Senate has passed a bill and concurrent resolutions of the following titles in

which the concurrence of the House is requested:

S. 1217. An act to direct the Secretary of Health and Human Services to intensify programs with respect to research and related activities concerning falls among older adults.

S. Con. Res. 123. Concurrent resolution recognizing and honoring the life and legacy of Alexander Hamilton on the bicentennial of his death because of his standing as one of the most influential Founding Fathers of the United States.

S. Con. Res. 149. Concurrent resolution commending the National Oceanic and Atmospheric Administration and its employees for its dedication and hard work during Hurricanes Charley, Frances, Ivan, and Jeanne.

The message also announced that the Secretary of the Senate be directed to request the House to return to the Senate the papers with respect to (S. 2283) "An Act to extend Federal funding for operation of State high risk health insurance pools."

CONFERENCE REPORT ON H.R. 1350, INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004

Mr. SESSIONS. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 858 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 858

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

This rule waives all points of order against the conference report for H.R. 1350 and against its consideration, and provides that the conference report shall be considered as read.

Mr. Speaker, shortly after my second son, Alex, was born in 1994, my father gave me some healthy words of advice when he said that Alex Sessions would be the greatest thing that would ever happen to our family. He knew and understood that in fact Alex was a very special baby. He was born with Downs Syndrome. The past 10 years have reaffirmed my father's words to me, and Alex has become one of the greatest parts of our family's life.

Ten years later, Alex is a very happy third grader at Lakewood Elementary in Dallas, Texas; and Alex has the support of numerous teachers, students, and parents who provide him with re-

markable educational lessons and invaluable friendships. For each of the last 2 years, Alex has been rewarded with the school's highest citizenship honor, to be a Lakewood Super Stal-lion.

In the last 3 weeks, Alex has successfully written for the first time his first and last name. While these are great personal achievements for Alex and our entire family, stories like these are being told all across the country because of the extra efforts of those dedicated educators who are working diligently with these wonderful children under landmark Federal legislation known as IDEA, or Individuals with Disabilities Education Act.

Several decades ago, Congress passed this legislation to guarantee children with disabilities full access to a fulfilling and appropriate public education. And while I have talked today about the many successes and achievements of this important program, there are also areas within the law that could and can use improvement and adjustment. I am proud to support the bipartisan legislation that is before us today to reauthorize and improve this most important education program to ensure that the true promise and intent of this act is carried out to the fullest extent of our abilities as Congressmen.

Mr. Speaker, H.R. 1350 creates an educational atmosphere focusing on the future of our most vulnerable children. It builds on the existing strengths of IDEA, while modernizing and improving the program to guarantee that children with disabilities have the most appropriate tools to fully utilize their gifts. The changes that we are making in IDEA will give children measurable goals to ensure they reach their postsecondary living and employment goals.

H.R. 1350 directly addresses perhaps the greatest problem facing IDEA, the effective monitoring and enforcement of the act. Effective July 1, 2005, it will give the Secretary of Education clear authority to enforce standards to monitor and enforce whether or not schools are in compliance with IDEA, authority that has been lacking since the inception of this education initiative. States will be empowered to create an acceptable set of standards; and if they are not met, the Secretary of Education will now have the tools necessary to take appropriate and reasonable action to work with State and local educators to remedy the situation.

This conference report provides Congress with a 6-year glidepath to fully fund IDEA by 2011. Under President Bush's leadership, funding for all education programs, in particular IDEA, have been a high priority. In his first term, President Bush increased IDEA funding to States by \$4.8 billion, or what we would know as a 76 percent increase. This Republican-controlled Congress, which I am proud to be a part of, has increased the Federal share

of IDEA funding to 19 percent in 10 years, whereas our predecessors in the Democrat-controlled Congresses only allowed the Federal share of IDEA costs to reach 7 percent.

H.R. 1350 also restores trust and constructive dialogue to the relationship between parents and school personnel promoting an earlier resolution to problems before they end up in court. This legislation creates the opportunity for a resolution session within 30 days of a complaint being filed to quickly resolve the problem. The constant threat of litigation creates an atmosphere of distrust between parents and schools, an environment that harms everyone involved.

Today's legislation also solves another problem that has plagued IDEA for too long. Today, many children with reading problems are misidentified as learning disabled and wrongly placed in special education classes, a costly mistake which siphons away valuable funding from students who truly need IDEA services. To address this issue, H.R. 1350 requires districts with significant over-identifying of students to operate early intervention programs to reduce over-identification, eliminating the outdated IQ discrepancy, a model that relies on a wait-to-fail approach, and introduces a response to intervention model that identifies specific learning disabilities before the students are at a failing grade level.

I am proud of this new IDEA legislation. Because of the important resources that H.R. 1350 provides to our schools, it may one day help my son Alex to further meet his goals of learning to read.

I am pleased to note that the House version of this legislation successfully passed through the Committee on Education and the Workforce, and then through the House in April of 2003. Today's conference report enjoys the overwhelming bipartisan support of its conferees, and I am confident that this report will enjoy wide bipartisan margins in both Houses before it is signed by President Bush.

I would ask that all my colleagues on both sides of the aisle demonstrate their commitment to the special education needs of our country's disabled children by supporting this conference report. I would like to thank the House sponsor of this legislation, the gentleman from Delaware (Mr. CASTLE), and the chairman of the Committee on Education and the Workforce, the gentleman from Ohio (Mr. BOEHNER), for their dedicated hard work in producing the conference report.

I would also like to take a minute to commend the conferees from both bodies that have labored to produce this fine product, including the gentleman from California (Mr. GEORGE MILLER), Senator EDWARD KENNEDY, and Senator JUDD GREGG.

Mr. Speaker, I urge my colleagues to join me in supporting this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

□ 0945

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Texas (Mr. SESSIONS) for yielding me the customary 30 minutes, and I would like to express my appreciation to the gentleman from Ohio (Chairman BOEHNER) and the gentleman from California (Mr. GEORGE MILLER), the ranking member, for returning to this House a bipartisan-supported conference report on the Individuals with Disabilities Education Act.

Last year, when the House first considered H.R. 1350 which reauthorized the IDEA, I felt compelled to oppose that bill. It undermined, in my opinion, the basic rights of children in need of special education to quality education. It undermined the rights of these students' families, and it failed our States and local school districts to effectively provide special education services for these students. Worse yet, the Republican leadership refused to allow any amendment addressing the need to provide full funding for the Federal share of special education to even be debated in this body. It was the House at its very worst.

Today is a very different day. We have before us a bipartisan-supported bill. We have a bill that maintains the basic civil rights of children with disabilities. We have a conference report that addresses long-standing problems with IDEA monitoring and enforcement by the U.S. Department of Education.

We have a bill that has added protections for children with special needs who have fallen between the cracks for too long; in particular, the 1.3 million children who experience homelessness each year and the 500,000 children in foster care. These children, who are moved around and change schools frequently, disproportionately suffer from learning and physical disabilities than children from stable homes, but they have greater difficulty accessing special education services. This bill now ensures that their individual education plans can travel with them so they are not denied services or regress further when moving from school to school.

From the bottom of my heart, I thank the conferees for remembering these children and addressing this problem in this bill.

This bill also helps schools resolve conflicts over providing special education services and reduce litigation. It should result in reducing the over-identification and misidentification of non-disabled children, especially among minorities and other disadvantaged communities. It reduces paperwork requirements, improves transition services, and strengthens methods for measuring student progress, all of which should improve the academic achievement of special education students.

This bill, however, is not perfect. For example, I believe we still have a long way to go toward ensuring a seamless system for infants, toddlers, and preschoolers with disabilities, let alone successfully preparing and transitioning these children into K-12 special education programs.

And, most importantly, this bill still does not guarantee mandatory funding for the Federal share of IDEA State grants. This year alone, special education funding is \$2.5 billion short of what Republicans promised in their budget and only half of what has been authorized under the IDEA. This leaves already cash-strapped schools without the support needed to ensure that all students, no matter their disabilities, receive the same education opportunities.

Mr. Speaker, I remain deeply concerned that Congress will continue to break its promise to our States, our local schools and our special needs children and families to provide the 40 percent Federal share of funding for federally mandated special education programs and services. For 30 years we have failed to keep our word to fully fund this law, and I see nothing in this bill to reassure me that Congress will meet even the more modest funding targets set in this bill. We seem perfectly able to ignore, back away from, or reduce our commitment.

I believe it is well past time for Congress to step up to the plate and fulfill its promise to fully fund the Federal share of special education programs. Until we do so, local and State education budgets will have to continue to rob from other education programs in order to pay for mandatory special education services, breeding unnecessary resentment towards the children and families who require these programs and placing increased stress on scarce education dollars.

I promise my colleagues, I promise the children and families and schools in the Third Congressional District of Massachusetts that I will continue to fight for full mandatory funding of the Federal share of IDEA. I hope President Bush will finally make this funding a priority in his budget next year.

Mr. Speaker, even with these concerns, I believe this conference report is an important step forward for our special education programs and services, and I urge my colleagues to support this rule and to support the conference report on H.R. 1350.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last night, late in the Committee on Rules, the ranking member of the Committee on Education and the Workforce, the gentleman from California (Mr. GEORGE MILLER), came before our committee and talked with great confidence and exuberance about the hard work that had been produced by not only the conferees but also that proud committee. Today, I am very

pleased to have that chairman, the gentleman from Ohio (Mr. BOEHNER), who has worked diligently for the past few years not only with me as a parent with a child who falls under IDEA but also with all Members who bring thoughts and ideas about encouraging our teachers and our parents and our children to achieve greater things. I would like to publicly say that not only the gentleman from California (Mr. GEORGE MILLER) but also what the gentleman from Ohio (Chairman BOEHNER) has done has been of great service to our country, and I would like to thank him for that.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Chairman BOEHNER).

Mr. BOEHNER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in strong support of this rule. The conference report on the reauthorization of IDEA represents the culmination of 3 years of effort to strengthen and renew special education. I want to thank the gentleman from Texas (Mr. SESSIONS), who I have worked closely with over these last 3 years on all of his efforts to help us strengthen and renew this program. I know it is an issue he feels very strongly about, and I want to thank him for his leadership.

I also thank the gentleman from Delaware (Mr. CASTLE), who is the subcommittee chairman on the Subcommittee on Education Reform, the author of this bill. He worked this bill through the committee and through the House and through this conference, and without his strong leadership we would not be here today.

I think the bill that we will have before us soon is a tremendous achievement of compromise, vision, determination, and bipartisanship.

I want to thank my partner in this process over the last 4 years, the gentleman from California (Mr. GEORGE MILLER), the ranking member on our committee. While we have had disagreements on many occasions, in the end I think what the gentleman from California (Mr. GEORGE MILLER) and I both believe is we have a responsibility to legislate on education and workforce matters and at the end of the day we were able to come together and produce this bipartisan conference report.

In crafting this bill, we listened to parents, teachers, students, and advocates. We listened to the President's Commission on Excellence in Special Education, and the principles around the creation of this bill are very similar to the principles that the Commission on Excellence in Special Education came forward with as well.

We listened to schools, the people on the front lines of educating children with special needs. We began this process with the principles of No Child Left Behind firmly embedded in our minds. In No Child Left Behind, we put a system in place to ensure that students

with disabilities, along with all students, are getting access to the education that they deserve. In this bill, we are making sure that the rules help special education teachers and parents get the most out of that system, instead of making it harder for them.

This bill is an across-the-board win for parents, teachers and students with disabilities. I urge my colleagues to support the rule today.

I will have more to say when we get into the bill itself about the changes made in this bill that truly will help students with special needs, their parents, and the teachers and school administrators who often in the past have been at serious conflict. We attempt to reduce that conflict in this bill to make it easier for these students to get an education and make it easier for school administrators and special ed teachers to be able to provide these services to the most special of our children.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), the ranking member on the Subcommittee on Education Reform.

Ms. WOOLSEY. Mr. Speaker, I did not support this bill, H.R. 1350, when it first came out of our subcommittee and then our full committee and then passed the House. But, since then, there has been a lot of bipartisan effort, and now I believe we can achieve what we were aiming for.

We can have and will continue to set aside our political differences so that we work together in our children's best interests. For that I thank our conference chairman, the gentleman from Ohio (Mr. BOEHNER); our ranking member, the gentleman from California (Mr. GEORGE MILLER); the chairman of my subcommittee, the gentleman from Delaware (Mr. CASTLE); and the conferees from both the House and the Senate.

I believe that this process, if we follow it, can and must be the standard for the new Congress. Imagine a Congress that puts children before politics. That would be something in and of itself. Today, we are setting an example. We have raised the bar. We have set a standard that together, both sides of the aisle, both the House and the Senate have said, oh, my, let us put children first.

Let us support the rule, support the bill and support the countless students and parents and teachers and school administrators who advocate for children with disabilities who have come to us to make certain that we understand how IDEA works for them and where it does not work. In this bill today we are making a difference in the lives of people who are affected day in and day out by what we will be voting for.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Today we are having a discussion about some of America's greatest gifts, and that is our children with disabili-

ties. An observation I would make is the kind words on both sides have come as a result of a lot of hard work, a lot of hard work not only within this body but also with the Senate. It also came as a result of a lot of hard work where members of that committee and subcommittee had to go out all across America and listen to parents and listen to educators and to listen to people. Certainly the gentleman from California (Mr. GEORGE MILLER) was a huge part of this success.

Mr. Speaker, at this time, however, I would like to suggest that the gentleman from Delaware (Mr. CASTLE) was a great leader in this process. He made sure of the strength of his argument so this law would make a difference. So I, like the gentleman from Ohio (Chairman BOEHNER), stand here to say that the gentleman from Delaware (Chairman CASTLE) has done a great job on behalf of so many students.

Mr. Speaker, I yield 5 minutes to the gentleman from Delaware (Mr. CASTLE), the chairman of the Subcommittee on Education Reform.

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for not just managing this rule today but for his own personal interest in this legislation. He and I have had several discussions about this. His input was extremely helpful. For that, I am certainly personally appreciative. The gentleman's interest is typical of a number of Members who spoke to me and others about their concerns about this particular legislation.

The gentleman is correct. This legislation, as much as anything we deal with in the Committee on Education and the Workforce, really embraces a wide scope of all of America in terms of the interest which is there. Virtually all school districts, many parents, and many interest groups deal with the issues of children with disabilities. I am delighted that we were able to work this legislation out in conference with the Senate.

□ 1000

Obviously I do rise in support of H. Res. 858; and as the sponsor of the underlying bill, H.R. 1350, I also support all aspects of the bill which is before us.

I think it is important maybe to understand how all this came about, because it was not easy. It took a long time to do it. In preparation for this, our committee had seven different hearings. We launched a Web-based project a couple of years ago called Great IDEAs which was designed to solicit input from stakeholders in special education across the Nation. We received literally thousands of responses from teachers, school administrators, parents of children with special needs, and others familiar with the unique needs of children with disabilities. Many of those are incorporated in H.R. 1350.

The process in terms of the bill itself began 19 months ago in the House of

Representatives; and that bill, which was called the Improving Education Results For Children With Disabilities Act, aimed to improve current law by focusing on improved education results, reducing the paperwork burden for special education teachers, and addressing the problem of overidentification of minority students as disabled. In addition, the bill sought to reduce litigation and reform special education finance and funding. I am pleased to say the conference report includes all these important reforms.

It is very interesting, Mr. Speaker, to sit here and say all that in a couple of sentences when in reality each of those different policies took many, many hours and even days and months of negotiation in order to work out all the differences that existed amongst the groups and blend it together into something that is supported by everybody today.

Obviously, we have worked with the Senate. I say "we." I give tremendous credit to the staff on both sides of the aisle here and in the Senate staff as well for their great work in the past 6 weeks in very, very serious negotiations to get all of this worked out. And so the resulting conference report which we have before us today will make tremendous strides in helping to achieve a quality education and services for children with special needs.

For that reason, Mr. Speaker, I urge swift approval of the rule and hopefully, following that, swift approval of the underlying bill.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. KIND) who is a member of the Committee on Education and the Workforce.

Mr. KIND. Mr. Speaker, I thank my friend from Massachusetts for yielding me this time. I want to commend the leadership of the Committee on Education and the Workforce, from Chairman BOEHNER and Ranking Member GEORGE MILLER to Subcommittee Chairman CASTLE and Ranking Member WOOLSEY, all the members of the Committee on Education and the Workforce, the work that was done in the conference committee for trying to produce this bipartisan bill. That is why today I am proud to stand in support of the rule and also in support of the reauthorization of IDEA.

Mr. Speaker, this is an incredibly important program that was created in the mid-1970s. It was created under the premise that every child in America should have access to a quality education, including children with special needs. Since that time, the schools throughout the Nation have brought these kids in, have embraced them, have dealt with issues in regards to the authorization language, in regards to funding issues; but fundamentally it is a program that works and is working for our children with special needs.

This legislation, I think, goes to clean up a lot of the problems that were inherent in IDEA. The gentleman

from Delaware just referenced some of the paperwork burden that our special education teachers have been straddled with for so many years. There has been the issue of disciplinary problems in the classroom that I think we have reached a good compromise on now. It was the goal in this reauthorization bill to improve the quality of the teachers in the classroom dealing with these children with special needs, the second most important determinant on how well our kids are going to perform just behind parental involvement. It does strive to increase student performance and educational achievement. Overall, this is a very good bipartisan bill, and I would recommend my colleagues today to support this reauthorization bill.

But there are also some things in the future that we have to stay focused on and continue to work on and that is the impact of No Child Left Behind and the new standards and the testings and the impact it is going to have on these children with special needs and the fact that under No Child Left Behind, every child is supposed to be 100 percent in conformance of the rules that were written by the Department of Education by 2014. We just know now that there are some children that are not going to be able to obtain that high standard. Unless we are willing to start telling the schools that by 2014 every one of them is going to be failing, I think we need to be a little bit more realistic in our approach to these children and what is going to be required, but without leaving any child behind.

But I think another big problem that we are going to have to continue to slug out here starting with this omnibus coming up but also in future years is the funding of IDEA. The Congress has never lived up to the full cost share promise that was made, the 40 percent cost share for IDEA funding. This means the financial burden has been left at the local level. It is affecting property taxes back in the State of Wisconsin, which are going up way too much; and it is starting to pit students against students in the classroom over the allocation of the limited resources that we are allotting for IDEA and also now for No Child Left Behind.

I am disheartened to hear some of the figures coming out of the omnibus discussions where the President was requesting a \$1 billion plus-up for IDEA. It looks like we are only going to get about \$600 million. That is far short because this last fiscal year we were only funding it at 19 percent of the 40 percent full cost share. We can do better. For \$10 billion, we could fully fund IDEA and get up to that 40 percent cost share and alleviate the financial burden that is straddling so many of our school districts throughout the Nation. It is just a question of priority, a priority of what we are going to place first as an investment in our budget, whether it is going to be the children and the future of our Nation or whether it is going to be other priorities that we are going to see in this omnibus.

Let us face it, Mr. Speaker. By the end of this year, we will have allocated close to \$200 billion for what is taking place right now in Iraq. We are hearing rumors now that the administration is going to come back early next year requesting another 70 to \$75 billion in Iraq. With just a fraction of that amount, we could fully fund IDEA, fully fund No Child Left Behind, give the schools, give the teachers, give the parents the resources they need to make sure that every child has the opportunity that they need to succeed in this country and in this world. That is what is at stake.

While we have got a good bill to support today, I think there is more work that we have to stay focused on and try to work in a bipartisan fashion to address the implications of No Child Left Behind with IDEA students and the element of full funding for this program. Hopefully, we will have the same type of bipartisan spirit as we move forward in the future.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my colleague for yielding me this time.

Mr. Speaker, I rise in support of the rule. Initially, I would like to thank the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. GEORGE MILLER), the gentleman from Delaware (Mr. CASTLE), and the gentlewoman from California (Ms. WOOLSEY) for over 2 years of work on the important legislation that the rule makes in order.

I am pleased that this conference agreement includes a new provision that is similar to bipartisan legislation I sponsored with the gentleman from California (Mr. GEORGE MILLER) to help provide specialized textbooks to students with visual disabilities. The law we are reauthorizing today, the Individuals with Disabilities Education Act, requires that all disabled students be provided with educational opportunities. For students with visual disabilities, this includes access to specialized instructional materials, such as braille, large print and audio textbooks. Translating a textbook into these successful formats, however, is a cumbersome, time-consuming, and expensive process for States and school districts. As a result, visually impaired students oftentimes receive their textbooks long after school has started and can be needlessly left behind their sighted peers.

The legislation before us today will help solve this problem. It creates a centralized clearinghouse that States and local school districts can use to obtain electronic copies of textbooks to be translated into the appropriate format for visually impaired students. That is a simple solution that will make a big difference in the quality of education provided to visually impaired students. I commend my colleagues for the work they have done to include this provision in this legislation and urge support of the rule.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as speaker after speaker on our side has already said, this is a much improved conference report from the bill that we originally saw before this House a few months ago. It is supported. It deserves bipartisan support. I hope my colleagues will support the rule. I hope they will support the final passage of this conference report.

Mr. Speaker, this may very well be the last rule that I manage for our side in the 108th Congress. So I wanted to take this opportunity to pay tribute to the ranking Democrat on the committee, my friend MARTIN FROST. He is one of the smartest Members to serve in this body. He became an expert in the rules of the House, and he fought the good fight every single day for people and for causes that oftentimes get overlooked in this body. I think our Nation is better because of his service, and I think we will miss him.

The gentleman from Texas (Mr. SESSIONS) offered a resolution in the Rules Committee last night, and we got to pay our tributes to the gentleman from Texas (Mr. FROST) then; but I wanted to take this opportunity just to express publicly my appreciation for his service not only to this Congress but to the people of this country.

I also want to say that we are going to miss our colleagues SUE MYRICK and TOM REYNOLDS who are leaving the Rules Committee to take on other committee assignments. Both of them have been good and strong members of the committee, and I have enjoyed working with them.

Finally, Mr. Speaker, I want to take this opportunity to thank the majority and the minority Rules staff. These men and women work incredibly hard, probably harder than most people could possibly appreciate. In particular, let me thank Mr. FROST's staff who have served this House to the best of their abilities. They have done a wonderful job under difficult circumstances, and they deserve to be thanked for their service. As a former staffer myself, I have a special appreciation for the work that members of the staff do.

Specifically, I want to recognize Kristi Walseth, who is the staff director; Askia Suruma; Sophie Hayford, who also served with my old boss and former Rules Committee chairman, Joe Moakley; John Williams; Shannon Meissner; Jane Hamilton; and Jeff Rosenthal for their work and their dedication in this House and to the causes that they believe in during the 108th Congress.

I also want to thank the associate staff on our side: Fred Turner who has served with great distinction for ALCEE HASTINGS; Rosaline Cohen who has worked very hard for LOUISE SLAUGHTER; and Keith Stern who has served me incredibly well and worked incredibly hard on behalf of this Congress for all their work as well.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself the balance of my time.

I, too, would join with the gentleman from Massachusetts in enunciating our support of not only the staff members of the Rules Committee and for the hard work that they put in day in and day out and night in and night out but also would join in support of what the gentleman from Massachusetts said when he talked about our colleague MARTIN FROST. The gentleman from Texas (Mr. FROST) has served for 26 years as a distinguished Member of not only the House of Representatives but also in his service to the people of the 24th Congressional District of Texas. During that period of time the gentleman from Texas has distinguished himself as a person who would articulate not only the position of the Democrat Party but also a position that was very successful in support of veterans all across this country and in many other issues that he so deeply believed in, including a major piece of legislation which was known as the Amber Alert system for children who had been taken from their parents.

Mr. Speaker, I include for printing in the CONGRESSIONAL RECORD a resolution that was passed by the Rules Committee last night, November 18, 2004:

RESOLUTION OF THE HOUSE COMMITTEE ON
RULES NOVEMBER 18, 2004

Whereas, Martin Frost has served the United States House of Representatives and the citizens of the United States with excellence since first elected to this body in 1978;

Whereas, Martin Frost began developing his extensive political and legislative expertise as a reporter for Congressional Quarterly, and then as a practicing attorney in the Dallas area, while honorably serving the country as a member of the United States Army Reserves;

Whereas, Martin Frost has represented the constituents of the 24th district of Texas, serving the citizens of the Dallas and Fort Worth areas for 26 years in the House of Representatives with outstanding diligence and passion. He has taken on issues of importance to the diverse population of his district, such as the active- and reserve-duty military, and Medicare, and has been an integral figure in the creation of the nationwide AMBER Alert system for missing children;

Whereas, Martin Frost has utilized his status as the highest ranking Southern Democrat in the House, and as a senior member of the Texas delegation, to address concerns vital to his region, such as transportation issues, veterans affairs and youth violence;

Whereas, Martin Frost has exemplified himself as a model of leadership of the Democratic Party in the House, serving in the capacity of chairman of the Democratic Congressional Campaign Committee, as well as chairman of the House Democratic Caucus during his career in Washington, proving himself to be an astute policy and political strategist;

Whereas, the Committee on Rules has benefited greatly by the service of Martin Frost since his appointment to the committee as a freshman in 1978, most recently through his leadership as Ranking Minority Member of the Committee, acting as a sounding board for the Democratic delegation in advocating legislative priorities and providing his extensive knowledge of the House rules and practices garnered from his 26 year service to the

Committee to ensure success in fulfilling its jurisdictional duties;

Whereas, the tenure of Martin Frost in this United States Congress has been characterized by honesty, integrity, and a general willingness to work together with colleagues, on a variety of important issues: Now, therefore, be it

Resolved by the Committee on Rules, That its Members express their deep appreciation for the service Martin Frost has selflessly given to the country, our citizens, the House Rules Committee, and the United States House of Representatives, and wish him the best of luck and godspeed on all future endeavors.

Mr. MCGOVERN. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman for his resolution last night and for his words today.

Mr. SESSIONS. I thank the gentleman for his comments, also, about our colleague from Texas (Mr. FROST).

Mr. Speaker, we have also earlier thanked a number of people, the Members of Congress who were a part of making this bill, IDEA, successful. Certainly we will have in a few minutes the opportunity to hear from Chairman BOEHNER once again and his colleague, the ranking member, GEORGE MILLER, from California. Both of these gentleman spent an incredible number of hours working together. We have heard obviously from the gentlewoman from California (Ms. WOOLSEY). We will also hear from the gentleman from Delaware (Mr. CASTLE).

But I think it is important that we also say that there have been a number of people who have worked behind the scenes to make this bill successful and they really come from both sides of this great hall, the Senate and the House. I would like to personally thank Connie Garner from the office of Senator KENNEDY; David Cleary from the office of Chairman BOEHNER. David has worked tirelessly not only on behalf of these children but also doing town hall meetings to make sure that we got this right. Melanie Looney, who is also from Chairman BOEHNER's office; Alex Nock, who is from Mr. MILLER's office; Denzel McGuire from the office of Senator JUDD GREGG.

I would also like to thank from my staff Bobby Hillert and from the White House Elan Liang for their hard work to make sure that this document not only enunciated a better policy but also took in all the feedback from educators, parents and students from across this country who wake up every day to make IDEA better.

I do, too, encourage all my colleagues to support this bipartisan piece of legislation.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

□ 1015

The previous question was ordered.
The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. BOEHNER. Mr. Speaker, pursuant to House Resolution 858, I call up the conference report on the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 858, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of November 17, 2004, at page H9895.)

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1350.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of the H.R. 1350 conference report. Three years ago we began a process to strengthen and improve special education for the 6½ million American students participating under the Individuals with Disability Education Act. Today we have a final reform bill that will help us achieve that goal. The gentleman from Delaware (Mr. CASTLE), the chairman of the Subcommittee on Education Reform of my committee was the author of this bill that we passed in the House in April of 2003. I think he deserves great credit for his leadership throughout this process. He wrote a good bill and worked to ensure that these important reforms will be enacted in a bipartisan manner. The final bill we produced is closely aligned with the findings of President Bush's Commission on Excellence in Special Education, and with the bill that we passed in the House again in April of 2003.

We set out with one fundamental goal in mind, and that was to improve the educational results for students with disabilities. And I believe that we have accomplished that goal with the bill that we have before us today.

We included important provisions to give parents more choices and greater control when it comes to their child's education. We increased the focus on academic results and more closely aligned special education with the No Child Left Behind Act. The No Child Left Behind Act was the most sweeping Federal education reform in decades for students with disabilities. For the first time we ensured that States would include children with disabilities in their accountability systems. We made it clear that all children, and I

mean all children, including those with disabilities, deserve a high-quality education.

The bill before us today will build on No Child Left Behind. We are making sure the rules under IDEA helps special education teachers, parents, and students get the most out of that system instead of making it harder for them. To support teachers and schools, we included steps to reduce the crushing paperwork burden that is keeping teachers out of the classroom and in many cases driving teachers out of the profession altogether. We also restore common sense to school discipline to keep schools safe for all students and hold students accountable for their actions. Students will have the same punishment for the same infraction unless the disciplinary problem is the direct result of a child's disability.

We also give States and schools the clarity they have been seeking on what it means to be a highly qualified special education teacher. In No Child Left Behind we said that every child shall learn from a highly qualified teacher and children in special ed are no exception. We added flexibility, though, for States and teachers to meet the highly qualified definition when it comes to special ed teachers, but we did not do anything to slow down the progress States are making in reaching that goal. We are going to cut down on costly and unnecessary litigation in special education, and we are going to hold attorneys liable for frivolous lawsuits. That is important because we need to restore a sense of trust between parents and schools. We want to encourage cooperation to do what is best for students and to get there we need to cut down on damaging lawsuits.

Our bill also puts the Federal Government on a 6-year glide path to reaching our original goal of funding up to 40 percent of the excess cost of educating students with special needs. And as we get closer to that goal, we are also going to give local communities more control over how they spend their own local dollars. And we are keeping special education funded through the discretionary appropriations process.

I just want to take a moment to thank a number of people. As I mentioned before, I want to thank the gentleman from Delaware (Mr. CASTLE) for his hard work. But we would not be here without the help of several other people. The gentleman from California (Mr. GEORGE MILLER), while we had disagreements on the House-passed bill, we came together at this late hour of this session to do what our job is to do, and that is to reauthorize this law and to do it in such a way to bring a bipartisan product to the floor of the House today.

But it would not have been possible without the help of the other body, and I have to thank the chairman of the Senate Committee on Health, Education, Labor & Pensions committee

JUDD GREGG for his willingness to work with us and the ranking member of that committee, Senator TED KENNEDY. We had a small window of opportunity, and the gentleman from California (Mr. GEORGE MILLER) and I sat down with Senator GREGG and Senator KENNEDY and looked them in the eye and said we are going to be fair, we are going to do this right, and if we work together, we can in fact produce a strong bill, which we have. And we would not be here without the help of all of those people involved.

I also want to thank some of my staff and others who have worked on this. David Cleary, without whose help we would not be here at all, period. He did a great job in guiding this process. Melanie Looney on my staff, and also I want to thank Sally Lovejoy, who heads up our education section; Krisann Pearce, who I referred to as the adult the other day. I should probably refer to her as the calming, steady influence over some of my more hyperactive staff. And I want to thank Brad Thomas, who joined us just a couple of months ago and got thrown in into this process at the end.

From the gentleman from Delaware's (Mr. CASTLE) office, Sarah Rittling and from the gentleman from California's (Mr. GEORGE MILLER) office I want to thank Alex Nock for his great work as well.

Mr. Speaker, this bill is the next step in our effort to reform education in America, and I think it is going to make a real difference in the lives of millions of American students who are participating in special education. And as most of my colleagues know, I have gotten rather passionate about this. I am beginning to sound more like the gentleman from California (Mr. GEORGE MILLER) than the gentleman from California (Mr. GEORGE MILLER) himself. But I do believe that all kids deserve a chance at a good education regardless of their color, regardless of where they grew up, or regardless if they may have a disability. And I think the bill that we have today does in fact move us in a direction to help more kids, especially special ed kids, to get a chance at good education.

Mr. Speaker, I rise in strong support of the H.R. 1350 conference report. Three years ago we began a process to strengthen and improve special education for the six and a half million American students participating under the Individuals with Disabilities Education Act. Today, we have a final reform bill that will help us achieve that goal.

Representative CASTLE was the author of the bill we passed in the House in April of 2003, and he deserves great credit for his leadership throughout the process. He wrote a good bill, and he worked to ensure these important reforms will be enacted in a bipartisan manner.

The final bill we produced is closely aligned with the findings of President Bush's Commission on Excellence in Special Education, and with the bill we passed in the House in April of 2003. We set out with one fundamental goal in mind: to improve educational results

for students with disabilities. I believe this bill will accomplish that goal.

We included important provisions to give parents more choices and greater control when it comes to their children's education. We increased the focus on academic results, and more closely aligned special education with the No Child Left Behind Act.

The No Child Left Behind Act was the most sweeping Federal education reform in decades for students with disabilities. For the first time, we ensured States would include children with disabilities in their accountability systems. We made it clear that all children, including children with disabilities, deserve a high quality education.

The bill before us today will build on NCLB. We're making sure the rules under IDEA help special education teachers and parents get the most out of that system, instead of making it harder for them.

To support teachers and schools, we included steps to reduce the crushing paperwork burden that is keeping teachers out of the classroom. We also restored common sense to school discipline to keep schools safe for all students, and hold students accountable for their actions. Students will have the same punishment for the same infraction, unless the discipline problem is the direct result of a child's disability.

We also give States and schools the clarity they have been seeking on what it means to be a highly qualified special education teacher. In No Child Left Behind, we said every child should learn from a highly qualified teacher. Children in special education are no exception. We added flexibility for States and teachers to meet the highly qualified definition, but we didn't do anything to slow down the progress States are making to reach that goal.

We're going to cut down on costly and unnecessary litigation in special education, and we're going to hold attorneys liable for frivolous lawsuits. That's important, because we need to restore a sense of trust between parents and schools. We want to encourage cooperation to do what is best for students. To get there, we need to cut down on damaging lawsuits.

I also want to point out one oversight. A sentence in the Statement of Managers' language of the Conference Report that provided the explanation for the attorneys' fees language was inadvertently left out. By adding at Note 231 sections detailing the limited circumstances in which LEAs and SEAs can recover attorneys' fees, specifically Sections 615(i)(3)(B)(i)(II) and (III), the Conferees intend to codify the standards set forth in *Christiansburg Garment Co. v. EEOC*, 434 U.S. 412 (1978). According to *Christiansburg*, attorneys' fees may only be awarded to defendants in civil rights cases where the plaintiff's claims are frivolous, without foundation or brought in bad faith.

Our bill also puts the Federal government on a 6-year glide path to reaching our original funding goal of up to 40 percent of the excess cost of educating students with disabilities. As we get closer to that goal, we're also going to give local communities more control over how they spend their own, local dollars. And we're keeping special education funded through the discretionary appropriations process.

I'd like to take a moment to thank members of the staff who have been so instrumental in producing this great bill. With my staff, I'd like

to thank David Cleary and Melanie Looney, who did a remarkable job crafting this bill and negotiating the final conference report. I'd also like to thank Sally Lovejoy, Krisann Pearce, and Brad Thomas. From Representative CASTLE's office I'd like to thank Sarah Rittling, and from Representative MILLER's office I'd like to thank Alex Nock.

Mr. Speaker, this bill is the next step in our effort to reform education in America. It will make a real difference in the lives of millions of American students participating in special education. I urge my colleagues to join me in supporting this bill.

Mr. Speaker, with the No Child Left Behind Act, we made a commitment to America's students, parents, and schools. We said that every child in America deserves a high quality education, and no child should be left behind.

I think that commitment was particularly important to students with disabilities. For too many years, these students have been allowed to fall between the cracks. Many States excluded them from accountability systems, wrongly assuming these children can't learn.

They can learn, and they should. They deserve the same high quality education as the rest of this Nation's students. They deserve the same high quality teachers, and the same focus on their academic results.

H.R. 1350 fulfills that vision. It says that special education is important. It makes clear that we must focus on breaking down bureaucracy and building up results. This is an important bill for students participating in special education, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I want to begin my remarks by also thanking people because I think many people are surprised, myself included, that we are here today.

This has been a rather toxic season in the political arena and in this Congress. There is not a lot of evidence that there is a lot of bipartisan action taking place in the Congress of the United States. But in this committee on this subject we were able to work through all of those environmental concerns about the atmosphere and arrive at legislation that is going to be very good for those children with special needs.

And I want to thank the gentleman from Ohio (Mr. BOEHNER), our chairman, for all of his time, his effort, his political skill within his caucus and I think within my caucus, too, to get us to this point. And to the gentleman from Delaware (Mr. CASTLE), who, as we all know, is absolutely committed to getting good legislation on the books, to write good law, and to do it on behalf of our Nation's school children to see that they get a good opportunity at the education that should be offered to them.

I want to thank Senator TED KENNEDY and Senator JUDD GREGG for their

cooperation in deciding even before the election that we would take a shot at getting this passed before this session closed down, and we were able to do it. I also want to thank the gentlewoman from California (Ms. WOOLSEY) on our side, who managed this legislation for the minority, who took it from the early days when it was clearly very confrontational, to smoothing out some of the rough spots and finally helping us arrive at the compromised positions that maintain the integrity of IDEA, to also improve IDEA and make sure that our commitment to these young children and their educational opportunities are clear as a matter of Federal law.

I want to thank the staff on our side, Alex Nock and Alice Cain, Ruth Friedman and Lloyd Hoowich, for all of their help. This was long hours by the staff. And on the Republican side, David Cleary, Sally Lovejoy, Melanie Looney, Krisann Pearce for all of their help in working with people on the Democratic side. And on the Senate Republican side, Denzel McGuire, Bill Lucia; Senate Democrats Connie Garner, Roberto Rodriguez, and Michael Yudin for their help.

This would not have been done had these people not been able to come together and work their way through bills that were different in many ways. But the fact of the matter was it did happen, and I think the children with special needs who need this law are going to be well served, as are their parents, as are their schools, and as are their teachers.

I have a special connection to this law because I was in Congress and served as one of the original authors of this law when it was first passed in 1974. And in 1974 when we surveyed the Nation's schools and the State systems of school, we found that children were, on an ordinary basis, on a regular basis, excluded from the classrooms of this Nation. They were put into basements. They were put into segregated schools. They were put into separate classrooms. They were not allowed to come into classrooms if they were in a wheelchair, if they needed assistance for their physical disabilities; and a dramatic percentage of minority students, were labeled as retarded, were labeled as having an inability to take advantage of an education in numbers that defied any statistical understanding that any population would be labeled in that fashion.

Hundreds of thousands of children mislabeled and therefore not allowed to go to the schools of this Nation. And at that time we passed the Education for all Handicapped Children, as it was called in those days. And from that time forward, this law has become one of the basic civil rights laws of this Nation for those children with special needs, for their families, and for those schools, recognizing the commitment that this Congress made to these children and their families, that they would get a free and appropriate edu-

cation in the least restrictive environment to make sure that, where possible, these children would be in the mainstream classrooms of our Nation's schools. They would be able to participate with their peers on a regular basis. They would be able to enjoy the benefits of that educational opportunity, that no longer by simple reason of their special needs would they be segregated, no longer by reason of their special needs would they be discriminated against.

This has not been a smooth road to make sure that these children would have educational opportunity and have access to that free and appropriate education in the least restrictive environment. It has been a struggle. It has been a struggle for our school districts. It has been a struggle for our taxpayers. It has been a struggle for the families of these children.

But each and every time we have made progress, and we do so again with this legislation. We make sure that they will, in fact, have qualified teachers. But we make sure that we do not drive the teachers from the teaching field by the law that we have passed here. We have provided that kind of flexibility so we can have the best of both worlds.

□ 1030

We can have qualified teachers, and we can make it workable for those teachers and for the school districts. We make sure that those children who might act out in class, who might be a discipline problem can be separated from the general population if they are a danger, but we also make sure that we do not discontinue their educational opportunities in that separate setting, however restrictive it might be. And there is a process for doing that, both to protect that child, to protect their educational opportunity, and to protect the general school population, a very important change.

We make sure that, while trying to enforce this law, that we make every effort to make sure that the child has access to a workable, individualized education plan. But we also want to make sure that, in the enforcement of those efforts, we do not engage in frivolous lawsuits, we do not engage in trying to extort the school district into positions. So we make sure that you can have access to those programs, but you do not get to take advantage of the taxpayers and the efforts that are being made.

From 1974 onward, I have had hundreds and hundreds of parents who have come to me and said, or written to me from all over the country, that, but for this law, my child would not have gotten an education; but for this law, my child would not have been able to be in the public schools. Some of those were long letters of the detailed effort by parents, taking months and thousands of dollars, to challenge the right of their child to be in an educational setting, along with the rest of the schoolchildren in this Nation.

But it is this law that made it possible, and it is law that we extend with this reauthorization. It is this law that we extend the civil rights protections of our Constitution to the Nation's schoolchildren, to those children with special needs, and it is this law that gives their parents a voice and a say in the direction of their education. It is this law that makes sure that the educational establishments of this country respond to those needs. And it is this law that tries to provide the means to work that out by offering alternative dispute resolution, by offering mediation, by offering a means by which parents and teachers and school personnel can sit down together and, at the end of that day, that child will have a chance at that educational opportunity, and the district will be in a position to provide it.

But there is something that is still lacking in this law, and that is the funding of this legislation. This is the funding of this legislation. Back in 1974, we said we would pick up 40 percent of the excess cost of the education of these children, and we have not done it. We have not done it as Democrats. We have not done it as Republicans. In the last few years, we have made a rather substantial march on that effort, but we still never get there under the budget.

Yet we have Members of Congress voting for full funding and mandatory funding of special education. We have Members signing letters to the President asking for full funding of special education. We have votes in the Senate, a majority, bipartisan votes demanding full funding for special education. But somehow we can never get there. And even in this legislation, I am glad to see that we have laid out a roadmap for over the next 7 years, I believe it is, we will arrive at full funding.

But I am worried that later tonight, as we pass an omnibus appropriations bill, we will not even meet the target in this legislation before the ink is dry or even before the President has signed it.

The President said he has not fully funded No Child Left Behind because he did not read the bill. I want the President to read this bill, because the compact with these parents and with this Congress is that we are going to reach full funding in 7 years. And if we do not, if we do not, the full educational opportunity for these students and for the other students is not going to be realized because the funding is not following this legislation. It is very important that that happen and that we start to keep our commitments on special education, that we start to keep our commitments on No Child Left Behind.

It is not enough, and we cannot continue the practice. We did it when we were in control. It is not enough to put figures into authorizations and tell people that is the law, that is what we have done, and then look behind and

say we never intended to do that. We should say what we mean, and we should mean what we say. If we cannot do it in 7 years, then tell the public when we are going to do it. But this is the statement of the Congress that we will reach full funding in those 7 years, and I think that is most important.

Mr. Speaker, I include for the RECORD an editorial from this morning's Washington Post.

[From the Washington Post, Nov. 19, 2004]

MAKING PROGRESS

It is a rare piece of legislation nowadays that makes it through the House and the Senate, let alone a House-Senate conference, without ill will, partisan shouting and layers of added pork. For that reason alone, the Individuals With Disabilities Education Improvement Act, now heading toward the House and Senate floors, deserve a moment's attention. From the beginning, Republicans, Democrats and advocates were all part of the debate about this law, which reauthorizes the federal rules and funding for special education. Staffers for Sen. Judd Gregg (R-N.H.), chairman of the Senate education committee, as well as those working for Sen. Edward M. Kennedy (Mass.), the ranking Democratic member, also solicited the opinions of outsiders who were not part or organized groups, to better understand the real problems faced by students, parents and teachers. Congressional offices on the House side, notably those of Reps. John A. Boehner (R-Ohio) and George Miller (D-Calif.), did the same.

The result is a law that doesn't address every problem with special education but that does grapple with some of the tougher ones. Unlike most education bills, this one involves civil rights issues, namely the right of disabled students to receive appropriate, free education, just like other children. While reinforcing this principle, the law also addresses, for example, the contentious question of whether schools can discipline or expel unruly students with disabilities: they can, but only after an appropriate process and only if they ensure that the special services the child was receiving are not discontinued.

While attitudes cannot be legislated, the law also tries to reduce some of the adversarial tension that has built up between schools and parents in recent years by reducing paperwork, by providing alternatives to litigation and by eliminating some of the more trivial bureaucratic requirements. The law also brings special education in line with the requirements of the No Child Left Behind Act, establishing the qualifications required for special education teachers, providing funding for teachers to get those qualifications if they don't have them already and taking some steps toward establishing alternatives to assess the progress of disabled children.

Ultimately, the test for Congress is not whether this bill finally becomes law, which seems likely, but whether the goodwill surrounding it continues. The special education debate is not over, nor should it be. It is legitimate to ask about the costs of this law, both in terms of time and money; equally, it is legitimate to ask whether schools comply with it because they genuinely believe that special education is worthwhile or because they have to. The answers to both questions will affect the quality of the education all children receive. As different lessons are learned about what works best, for disabled children and for schools, legislators will need to keep the law flexible, and their naturally partisan tempers under control.

Mr. Speaker, I want to thank my colleagues on the committee—the gentleman from Dela-

ware, the gentlewoman from California, and the gentleman from Ohio—for all of their hard work on this legislation and their genuine efforts to make this a bipartisan bill.

IDEA is a program that is very important to me personally. I was one of the original authors of the legislation in 1975 that made an historic commitment to the special needs children of the country—and their parents—to assure them the opportunity for a public education that would allow them to take full advantage of their gifts and have a full opportunity to participate in American society.

In opposed the IDEA bill passed by the House last year because I believed it undermined that bond between Congress and the special needs community. For me and for millions of American families, IDEA is more than an education law; it is a pact that never again will we abandon special needs children and cut them off from the educational services they need and deserve.

While I voted against the House version of the bill, I am pleased that the conference committee reversed many of the House positions opposed by longtime supporters of IDEA.

As a result, I support the conference report before us today because it maintains the basic civil rights of children with disabilities and their families. I am hopeful that our changes will improve their quality and access to a free and appropriate education.

One of the most important decisions we had to make in conference was whether or not children could be, in effect, punished because of their disability. I am very pleased that we took the necessary steps to ensure that children cannot be unfairly punished.

We had the good sense to include one of the most important provisions in current law: The manifestation determination requirement that school districts consider whether a child's behavior was the result of their disability when considering disciplinary action.

It is only fair to consider whether the child could control their behavior and whether they could understand the consequences of their behavior. These questions are clearly relevant and I am pleased that they will continue to be treated as relevant.

Our agreement also ensures that children who are subject to discipline cannot be put in alternative placements for unlimited periods of time and that, if suspended, they will continue to receive educational services. These measures will help these children continue on the path toward graduation rather than dropping out—and provide for the safety of other children and school personnel.

Let me also mention two improvements to current law that I believe are particularly beneficial. First, I am pleased that the conference report addresses long-standing problems with IDEA monitoring and enforcement. The Department of Education is required to monitor key IDEA issues.

These issues include making sure States educate children in the least restrictive environment and take steps to prevent minority students, from being disproportionately identified, as is too often the case. Once identified, these children are more likely to be placed in lower quality, substantially segregated environments and are more likely to be suspended or expelled.

When a State is out of compliance for two years, our agreement requires the Secretary to take an enforcement action.

These changes give the Department of Education the means to both identify problems and the authority and tools necessary to help solve them through a range of options, including advice, technical assistance, and support.

Second, I support the improved outreach and services for children who—through no fault of their own—move and change schools frequently. It is only right that we take steps that protect the 500,000 children in foster care and the 1.3 million children who experience homelessness each year.

Children who are homeless suffer from disabilities nearly four times more than children who are from stable homes, but they have great difficulty accessing special education services. Even when they have Individualized Education Plans, their IEPs often have not moved with them and the process must start over.

After months without adequate services, a child may regress so far that she or he can lost a whole school year. Our agreement improves coordination between schools and ensures that the child's IEP must transfer with them and be used until the new school district and parent can develop a new IEP.

Despite these important improvements, a fundamental problem continues to jeopardize all of our best efforts. Congress continues to ignore our 30-year old pledge to fully fund this law.

When we originally passed it in 1975, we made a simple promise: The Federal government would provide states with 40 percent of the total costs of special education—not 100 percent—just 40 percent. But we have never fulfilled our promise. As of today, we are providing nearly 20 percent of special education costs—less than half of what we promised three decades ago.

Our conference report tries to help. I'm pleased that it recommit Congress to providing States with the full 40 percent by laying our authorization levels each year that would allow us to meet the goal by the year 2011.

Obviously, this is not as soon as I would like or our children need, but at least it is a blueprint for getting us there. But the blueprint involves substantial increases each year, including this year—and I am dismayed that this year's increase may already be in jeopardy.

We must mean what we say and say what we mean—it's time to put our money where our mouth is and appropriate these funds once and for all.

I urge all of my colleagues, especially those on the appropriations committee, to make this a top priority. What could possibly be a better investment in our country than helping our children develop and grow to their full potential?

We have just gone through the experience of No Child Left Behind where the President and Congress promised to fund the new law at levels that were necessary to ensure schools would be able to meet the new goals. And before the ink was dry on that law the president broke his promise on funding. Now we are \$27 billion in the red on our commitment to No Child Left Behind and America's public schools.

As Members vote to approve this conference report, and I hope they do, we must be prepared to stand by the commitment this bill makes to properly fund special education.

The bottom line for me is to ensure that all children—including all children with disabili-

ties—have access to public education that propels them toward participation in American society to the fullest extent possible. I believe that this conference agreement moves us in that direction, and I am pleased to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Delaware (Mr. CASTLE), the chairman of the Subcommittee on Education Reform and the author of the bill that we have before us who has done a great job.

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me this time.

Let me just say, Mr. Speaker, that I think without the gentleman from Ohio (Mr. BOEHNER's) patience and will to continue to deal with what was a tough issue and tough politics perhaps in the beginning, we probably would not be here today. I would just like to thank him for that. I think he has just done an incredible job.

I stood at a press conference after we did the conference a couple days ago, and I looked at the cast of people who were there, including the gentleman from California (Mr. GEORGE MILLER) who just spoke, and Senator KENNEDY and Senator GREGG and the gentleman from Ohio (Chairman BOEHNER), and I realized that it was an unlikely group to come together in terms of being very liberal, very strong, and very conservative and very strong. But I also realized that every single one of those individuals had the interests of children at heart, which is hopefully what we have done in this legislation and hopefully what we have captured in this legislation.

I would just like to thank everybody that had anything to do with that: Members of Congress, a lot of whom were personally involved with this; all of the staff people who worked on this on both sides and in both Chambers who did a wonderful job, particularly in my case Sarah Rittling on my staff did an extraordinary job. The gentleman from California (Ms. WOOLSEY) was opposed to this initially, and we were able to resolve those differences. She and I have had some good fortune this year, the nutrition bill and this, and some other things, and I think we are both proud of our achievements, even though we have our differences from time to time. I cannot thank everybody enough.

Obviously, I rise in support of this legislation. We have been waiting a long time to get to this point, and today marks an important day for the millions of children with disabilities. As a sponsor of H.R. 1350, I have been deeply involved over the past 3 years in working to find a balanced approach to ensure children with disabilities receive the services they deserve to help them reach their potential and succeed in school. All of us have listened to thousands of parents and educators about what we can do to make the system better for the children. The result-

ing bill represents delicately crafted, bipartisan language that will ensure children with special needs receive the high-quality education they deserve.

For too many years, children with disabilities were simply denied access to public education. However, with the passage of the Education of All Handicapped Children Act in 1975, the doors of educational opportunity were opened. Today, more than ever, students with disabilities have an opportunity to accomplish their goals.

According to the Department of Education, about 6.6 million students currently participate in these programs in schools across the Nation. Of those, almost 50 percent of students with disabilities spend 80 percent or more of their day in regular education classrooms.

Tremendous strides have been made, and today we will be giving students, parents, and educators the tools to do even more, as I always believe we can do better. Now, more than ever, in the spirit of No Child Left Behind, we must make sure that children with disabilities are given access to an education that maximizes their unique abilities and gives them the tools to be successful, productive members of our communities.

The Improving Education Results for Children With Disabilities Act aims to improve current law by focusing on improved education results, reducing the paperwork burden for special education teachers, reducing litigation, and restoring trust between parents and school districts, and focusing on monitoring and enforcement of the law. I know my colleagues in the Senate share many of these goals, and our final conference agreement surely reflects our shared desire to strengthen special education through these common sense approaches.

Today I would like to pay particular attention to reforms in H.R. 1350 that will focus on academic progress and efforts to reduce over-identification. One of the great benefits of the No Child Left Behind Act is that we have raised expectations that will hold school districts accountable for the annual progress of all of their students, including students with disabilities.

Although we have made great progress in including students with disabilities in the regular classroom, we now must make equally great progress in ensuring that they receive a quality education in the regular classroom. We have therefore carefully aligned IDEA with No Child Left Behind to ensure students with disabilities are included in the accountability system of States and school districts.

Furthermore, H.R. 1350 includes reforms that would reduce the number of students that are misidentified or over-represented in special education programs. Minorities are often significantly over-represented in special education programs. In fact, African Americans are nearly three times more likely to be labeled as mentally retarded and almost twice as likely to be

labeled emotionally disturbed. Current methods of identifying children with disabilities lack validity or reliability. As a result, thousands of children are inappropriately identified every year, while many others are not identified early enough or at all. We have, therefore, reformed the manner in which children are identified.

As recommended by the President's Commission on Excellence in Special Education, H.R. 1350 provides local school districts flexibility to use funds for early intervention services for students before they are identified as needing special education. Currently, too many children with reading problems are identified as learning disabled and placed in special education classes.

Today is an exciting day for the special needs of our children, and I would urge all of us to support H.R. 1350.

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to control the time of the gentleman from California (Mr. MILLER).

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report on H.R. 1350, the Individuals with Disabilities Education Improvement Act of 2004. I did not support this bill when it first passed out of the committee, and I did not support it when it passed out of the House. But now I believe it is an example of what we can achieve when we set aside our political differences and work together in our children's best interests.

For that, I thank my conference chairman, the gentleman from Ohio (Mr. BOEHNER); our ranking member, the gentleman from California (Mr. MILLER); the chairman of my subcommittee, the gentleman from Delaware (Mr. CASTLE); and the conferees from both Houses. I echo the thanks of the gentleman from California (Mr. MILLER) to every one of our staff who have worked so hard. There is not one of us who does not know and believe that, without them, we would not be here today.

But I would also like to thank another group, and that is my Subcommittee on Education Reform dealing with special education. Because my Democratic members of the subcommittee, the gentlewoman from California (Mrs. DAVIS), the gentleman from Illinois (Mr. DANNY DAVIS), the gentleman from Hawaii (Mr. CASE), the gentleman from Arizona (Mr. GRIJALVA), the gentleman from Wisconsin (Mr. KIND), the gentleman from Ohio (Mr. KUCINICH), the gentleman from Maryland (Mr. VAN HOLLEN), and the gentlewoman from Georgia (Ms. MAJETTE), they were my backbone. They came to every single hearing. They participated. They were at every markup. They had their additions and their changes, and they were always

keeping me and the subcommittee and the committee in general aware that children are our number one interest, not politics.

I believe that the process we followed here in the House and then with the conference can become and must become the standard for the next Congress. Imagine: A Congress that puts children before politics.

I also want to thank the countless students, parents, teachers, school administrators, and others who advocate for children with disabilities, because that is the group that makes sure that we understood how IDEA works for them, the people who are affected day in and day out by what we are doing today.

In this bill, we have protected the right of a child with a disability not to be punished for conduct she cannot control because of her disability. That does not mean that we are going to give kids with disabilities a free pass to misbehave. What it means is that we are going to make sure they get the support they need so that they can be fully engaged in learning.

We have also protected the rights of parents to play an active and effective role in their children's education. Now, some people might think that those particular provisions pit kids with disabilities and their parents against schools and teachers. I do not. I know that schools and teachers are committed to educating all children and that they believe this bill will help them do just that. I believe it will do just that, also.

For example, we have provided flexibility to ensure that children with disabilities will be taught by highly-qualified teachers. We have provided new opportunities for parents and schools to work out their concerns without having to file complaints. We have provided greater flexibility for parents and schools to change a child's individualized education program without every member of the child's IDP team having to meet and to meet by telephone or other alternative means, if the parent and the school agree.

□ 1045

And I am especially pleased that there is another way this bill will help schools and that is because we have included bipartisan language that I developed along with my colleague, the gentleman from California (Mr. MCKEON). The language makes it clear that Federal funds for IDEA go to schools to use for special education, not for States to use to get out of paying for their required funding or not for States to use to solve their general budget problems. That is something that my home State of California has been doing, and according to the American Association of School Administrators, this practice cost California and their schools \$120 million in the year 2003 alone. I am going to keep working to see that Congress's intent to stop it is enforced.

I am also going to keep working to see that Congress keeps its promise to fully fund our commitments to IDEA. I am disappointed again that this bill does not require full funding of IDEA now. I know it does over 7 years. I want it now, even though virtually every single member of Congress routinely says that they support full funding. But I am pleased to support this report because I think it is good for parents, teachers, schools, but most importantly because it will help students with disabilities and special needs reach their potential.

I look forward to continuing to work with my colleagues to improve educational opportunities for all of our children and to ensure that the funding required to achieve these goals will be eventually and immediately put into place.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. KELLER), one of our conferees working this bill out between the House and Senate and someone who has worked on this since he came to Congress.

Mr. KELLER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I support this legislation because special education funding, teacher quality, and school safety will all go up while unnecessary paperwork requirements and frivolous lawsuits will go down. This is a good bill, and it deserves our support.

Mr. Speaker, as the only Member of Congress from Florida who serves on the Committee on Education and the Workforce and as one of only five House Republicans to serve on the IDEA Conference Committee, I wanted to learn firsthand about the key issues impacting our special education students. So I helped teach an elementary school education class in Orlando, Florida. I also met with high school special education teachers. And I invited the leading special education expert from my hometown, Orange County Public School System, Harriet Brown, to come and testify before Congress.

From this experience I learned three important things. First, I learned that special education teachers are forced to spend up to 2 hours a day completing paperwork instead of teaching.

Second, I learned that much of this paperwork is defensive in nature because of the fear and threat of frivolous lawsuits.

Third, I learned that there was a student who jeopardized the safety of a middle school in Orlando by bringing a gun to school, yet he could not be expelled for 1 year, which is the normal penalty, because he was an "exceptional education" student even though his disability had nothing to do with bringing the firearm to school.

I am pleased to say that all three of these problems have been fixed in this

legislation. First, the paperwork reduction legislation I authored is specifically included in this bill. As a result, the Secretary of Education will now develop model forms which will streamline and reduce the paperwork volume, and 15 States will be free of various paperwork requirements under a new pilot program.

Second, to reduce lawsuits, attorneys' fees will now be awarded to the prevailing party, and if a lawsuit is determined to be frivolous, the lawyer that filed that suit will personally be responsible for paying the other side's costs. There will be a 2-year statute of limitations.

Third, a student who brings a gun to school can now be expelled for up to 1 year under the Gun Free Schools Act if his behavior was not directly caused by the disability.

Finally, Mr. Speaker, our investment in special education is now at the highest level in the history of the United States. From 1995 until today, Congress has increased special education funding from \$2.3 billion to \$11.1 billion. That is an increase of \$8.8 billion, or 383 percent.

Mr. Speaker, this legislation will dramatically improve the lives of disabled children in Orlando, Florida, and all across this Nation. I urge my colleagues to vote "yes."

Ms. WOOLSEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. KILDEE) who was head of this subcommittee when we first started talking about reauthorizing IDEA.

Mr. KILDEE. Mr. Speaker, I thank the gentlewoman for yielding me time. I also thank her for her excellent and her tireless work on this bill.

Mr. Speaker, I rise in support of the conference report. This legislation is a remarkable improvement over the House bill and deserves the support of us today. The bill represents a good compromise reflecting the views of schools, disability advocates and, most importantly, parents.

The bill protects the civil rights of children with disabilities in critical areas. The bill ensures compliance with IDEA's key provisions through a strong monitoring and enforcement system.

This system will lead States to fix problems before children with disabilities fail to receive a free appropriate public education.

This bill also makes IDEA work for all stakeholders: students, parents, teachers, school administrators, and school districts. First, the legislation provides new opportunities for parents and schools to address concerns before the need to file a lawsuit arises.

Second, the bill increases parental involvement in IEP meetings by allowing the use of teleconferencing, video conferencing, and other alternative means of participation.

Third, the legislation requires initial evaluations to occur within 60 days of referral, ensuring that children get the help they need. The conference report

also provides fiscal relief for school districts. The bill allows school districts which are in compliance with IDEA to replace a portion of their local expenditures with Federal funding.

This will allow school districts to begin to realize the promise we made 30 years ago to provide the Federal share of special education costs. Most importantly, Mr. Speaker, the bill also improves discipline and ensures the safety of disabled and nondisabled children alike.

The bill requires schools to determine if a child's behavior was the result of their disability or poor implementation of their IEP when considering a disciplinary action. In addition, the bill prevents schools from placing children with disabilities in alternative placements for unlimited periods of time.

Despite its positive aspects, Mr. Speaker, the main failure of this legislation is that it does not immediately meet the promise of full funding of IDEA. We made this promise nearly 30 years ago and have consistently failed to meet it.

Soon we will have an appropriations bill on this floor, hopefully today, that will not even meet the levels we have authorized in this bill. While I support this conference report, we need to do a better job of living up to our promises. This bill puts us on that path; and I therefore urge that we pass it.

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. EHLERS), a member of the committee, a conferee, and one who feels passionately about this issue.

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding me time. I rise today in strong support of the Individuals With Disabilities Education Improvement Act conference report.

This excellent bipartisan agreement is a win for parents, teachers, schools and, most importantly, students with disabilities. I was pleased to be a part of the conference committee and would like to thank the gentleman from Ohio (Mr. BOEHNER); the subcommittee chairman, the gentleman from Delaware (Mr. CASTLE); and the ranking member, the gentleman from California (Mr. GEORGE MILLER), for their dedicated work in producing this bipartisan conference report. I particularly congratulate the gentleman from Ohio (Mr. BOEHNER) for his excellent work on No Child Left Behind and also on this bill.

This bill sets in motion important reforms that will help schools, parents, and teachers ensure that all students with disabilities receive a quality education. First, the conference report gives local schools more flexibility and greater financial control over special education funding. Although Congress has increased funding for special education by almost 400 percent in the past 10 years, bringing annual funding to \$11.1 billion, the Federal Government is not yet meeting its goal of paying 40 percent of special education costs.

I am pleased that this bill puts us on the track to do that. Taxpayers within my district and throughout the Nation have had to make up the cost difference. Last year, voters in my district approved a special millage to raise millions in additional special education funding. I am very proud of my community for their willingness to provide extra funding for special education.

This new bill will help such communities as the Federal share of special education costs continues to increase. Communities will be allowed more flexibility in the way educational resources are spent by enabling schools to redirect a share of their own local resources for other educational purposes.

Next, while everyone involved in a child's education plays an important role, I would like to particularly commend the parents of students with disabilities. Throughout my career as an educator and as a Member of Congress, I have been struck by the dedication and active participation many of these parents have towards ensuring their children's success. I truly believe that children, and especially children with special needs, learn best when they have at least one parent who is actively involved in their education.

This conference report supports all parents by giving more opportunity for them to be active participants in their children's educational experience by expanding parental rights and options. For example, the conference report enables parents and school districts to agree to change the student's Individualized Education Plan, known as the IEP, without holding formal meetings as is required under current law. The bill also requires parents to select supplemental educational services for their children when they attend a school that is in need of improvement because students with disabilities are not making adequate yearly progress. Both of these are marked improvements over current law.

Finally, the conference report builds upon the sweeping education reforms of the No Child Left Behind Act and emphasizes academic results for children with special needs. For too many years, students with disabilities were allowed to fall between the cracks as they were left out of accountability systems.

This bill solves that problem, and I strongly encourage my colleagues to join me in voting for this bill.

Finally, the conference report builds upon the sweeping education reforms of the No Child Left Behind Act and emphasizes academic results for children with special needs. For too many years, students with disabilities were allowed to fall between the cracks as they were left out of accountability systems. Now, States and schools are being held accountable for ensuring that students with disabilities are indeed learning. The conference report strikes an important balance between accountability and flexibility by maintaining the No Child Left Behind requirement that all children be taught by highly qualified teachers,

while providing some key flexibility for special education teachers who teach multiple subjects or teach only children with severe mental impairments.

I strongly support this excellent conference report and urge my colleagues to vote in favor of it.

Ms. WOOLSEY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY), a member of the full committee.

Mr. TIERNEY. Mr. Speaker, I thank the gentlewoman from California (Ms. WOOLSEY) for yielding me time and also for the excellent work she did on this bill. I also want to add my congratulations to the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. GEORGE MILLER), the gentleman from Delaware (Mr. CASTLE), as well as the gentlewoman from California (Ms. WOOLSEY) who did do a good job and who went to conference and brought back a bill that I believe is going to get great support in this House.

While the final proposed version of IDEA does not meet 100 percent of the things that I and my constituents might have wanted if left to our own drafting devices, it does reach a reasonable compromise; and for that reason I support it.

Back in April of 2003, I spoke against this bill in the House version of H.R. 1350. Subsequently, I urged adoption of the bill that was a lot closer to the Senate version and, in fact, in committee I joined a number of colleagues on various proposed amendments that would have moved the House bill in that direction if they had passed. They did not. Those amendments were close votes and, sadly, they were along party lines; but I am glad to say that the conference report essentially incorporates the provisions that we sought in committee with at least one notable exception and that is the funding.

The heart of IDEA lies in the protection of children with disabilities and the individualization of their education to account for those disabilities. Therefore, the conferees were, I believe, wise to retain language requiring a determination of whether misbehavior was a manifestation of a child's disability or not. That ensures that no child is unfairly punished for their disabilities.

In addition to improving the House's version of discipline provisions, the conference report improves the monitoring and enforcement aspects to ensure the States actually comply with the law. It worked a fair compromise on early intervention. It does a much better job than existing law in addressing transition services for older students, a task I believe that we are going to have to pick up in the Workforce Investment Act as we reauthorize it in 2005, and I understand that the gentleman from Ohio (Mr. BOEHNER) has expressed a similar desire.

It sets standards for highly qualified teachers and focuses the resources on their professional development and preparing them for this specialized

field. While it does not satisfy everyone, it does work out a compromise on these families and students' civil rights. That is a significant improvement over the House version of this bill.

□ 1100

So the major issue still remaining, of course, is the funding. We did take the gentleman from Ohio's (Mr. LATOURETTE) bill and my bill, which would close a loophole. The Spending Integrity Act would close that loophole that otherwise would have let districts use up to 20 percent of additional funding for noneducational purposes, and this is important to close that, but we are still falling short in that mandatory full funding is not provided.

We have a commitment to reach that goal by 2011, and I hope that everybody who is involved in making that commitment will be just as vigorous in making sure that it becomes an actuality. But given last night's vote on once again raising the debt ceiling of this Nation another \$800 billion and realizing that the budgets that have been proposed by this administration continually fall short, there is no assurance that that is going to be met. We have a lot of work to do to make sure we move in that direction.

We authorize and appropriate too little this year and presumably in future years. It is a serious problem that mars an otherwise reasonable compromise, but, Mr. Speaker, with that reservation in mind, I will vote for this conference report.

Again, I want to thank all of the constituents that worked on this bill with us, as well as all the people in the committee and the leaders in conference.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), a member of our committee.

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of the IDEA conference report. I want to thank the conferees and our chairman, the gentleman from Ohio (Mr. BOEHNER), for their hard work throughout this process.

I am also pleased that my report language to make IDEA consistent with McKinney-Vento provisions was included. This will go a long way in ensuring that homeless children with special needs get the services they need to succeed.

In order to create a more cooperative environment for special needs students, the conference report contains a number of badly needed reforms, all of which will help parents and teachers trust each other. When that happens, they can create the most positive environment for the children.

I would like to address the fears that some of my constituents had about the discipline provision. Many in the disability community were very concerned that children could be shut out of the educational process. We all agree

that a child should not be punished for behavior that is the result of a disability, and the conference report requires schools to determine if this is the case. If a student is misbehaving and it is not due to his or her disability, school officials can discipline that child in the same manner they would any other child.

Schools are given the resources to deal with the most severe case of weapons possession, illegal drugs or severe bodily harm, but the legislation specifies that the students cannot be denied services. If a behavior is attributable to a student's disability, the student will get the support he needs so that his behavior does not become an impediment to his own learning or that of other classmates.

Special needs students have the right to the services they need, but other students have the right to learn in a safe environment.

The IDEA compromise is a common-sense approach to improving special education. The reforms will shift the focus onto students and their needs instead of on the legal process. At the same time, it protects the right of student and their families.

I am proud to support this legislation and urge my colleagues to do so as well.

Ms. WOOLSEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Georgia (Ms. MAJETTE), who is leaving the committee and who will be missed.

Ms. MAJETTE. Mr. Speaker, I thank the gentlewoman for yielding me time and for her leadership.

Mr. Speaker, I rise in support of the conference report on H.R. 1350, and I also rise to thank my colleagues and the leadership on both sides of the aisle, the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. GEORGE MILLER), the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Delaware (Mr. CASTLE) for their leadership.

I would like to thank the staff of the Committee on Education and the Workforce and for their hard work, as well as my staff, especially Dr. Michael Goodman, Ms. Michaelleen Crowell and Mr. Will Thomas.

It has been my honor and privilege to serve on the Committee on Education and the Workforce, and I am very pleased to support this conference report, the result of more than 2 years of hard work and one of the first items that came up on the agenda when I became a Member of this august body.

I would also like to thank the hard-working Members of the Georgia delegation from the committee, Mr. NORWOOD, Mr. GINGREY, Mr. BURNS and Mr. ISAKSON, who I know will continue to serve the interests of the great State of Georgia and children across the country.

I know that each and every one of us has been working as hard as we can in this endeavor, and it has been my honor and privilege to serve. I will miss all of my colleagues, and I urge all of

them to continue to move towards full funding of IDEA.

Mr. BOEHNER. Mr. Speaker, how much time do we have remaining on both sides?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Ohio (Mr. BOEHNER) has 9½ minutes remaining. The gentlewoman from California (Ms. WOOLSEY) has 6 minutes remaining.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE), a member of our committee, the coach.

Mr. OSBORNE. Mr. Speaker, it is a privilege to have a chance to speak in support of H.R. 1350. I am pleased that this bill has evolved into what appears to be a very bipartisan bill. I would like to thank the gentleman from Ohio (Chairman BOEHNER) and the gentleman from Delaware (Mr. CASTLE), chairman of the Subcommittee on Education Reform, and Members on the other side for all of their work.

There are three or four points that I would like to make that I think are particularly noteworthy regarding this bill.

First of all, it provides clear academic achievement goals for children with disabilities. In the past, once a child was identified as having a learning disability, oftentimes they were assigned to mediocrity, and there was no attempt to improve that child's learning situation.

Secondly, and maybe most importantly, it provides early intervention strategies to prevent children from being identified or misidentified as children with disabilities. If we get to children early enough with remedial help, many times children who would be labeled as disabled are simply not labeled as such and are able to be mainstreamed. Fifteen percent of the funds for IDEA are being used for this early intervention strategy, and I think that is critical.

Also, as the gentleman from Florida (Mr. KELLER) pointed out earlier, and I think this also is a very important point, the current legislation reduces paperwork related to IDEA which is particularly burdensome to teachers.

Also, this legislation clarifies what the term "highly qualified teacher" means. So often in Federal legislation we throw out a term and we do not specify what it is, and here we have a clear identification of what the term means.

Then, of course, lastly, I would mention the issue that comes up all the time when we talk to educators. That is, simply a lack of funding. People have locked onto the idea that 40 percent of the funding for IDEA was supposed to be Federal. It was authorized, and, of course, we have fallen far short of that. In 1995, IDEA was funded 6 percent federally. Today, it is 20 percent. So that is a remarkable increase, and we are on a 6-year path to meet the 40 percent funding.

So I urge support. It is a good bill, and I would like to thank those involved with authoring the bill.

Ms. WOOLSEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from San Diego, California (Mrs. DAVIS) and want to recognize her as one of the most informed members of our subcommittee.

(Mrs. DAVIS of California asked and was given permission to revise and extend her remarks.)

Mrs. DAVIS of California. Mr. Speaker, I want to thank my colleagues for all their fine work on this reauthorization, and I rise in support of the Individuals with Disabilities Education Act of 2004 because I believe it will clarify and improve the support for students who have special needs.

Many of us, as my colleagues heard, are disappointed that this reauthorization does not respond to the congressional promises of 1975 by making funding for IDEA an entitlement. While the authorization language suggests that full funding will be met by 2011, the Labor-HHS bill, the appropriations bill for 2005, does not match this commitment. So we have to ask ourselves, will starting with a baby step get us to the finish line on time?

There were a number of aspects of the Senate bill that were incorporated in this, and I certainly support those, but I do want to point out that it does not include so many improvements which we had offered in the House bill that professionals who worked with special education students offered would clarify and streamline services, and I remain committed to providing the flexibility and common sense while assuring that a student's reasonable needs are met in a timely fashion with full participation and information for parents.

I was particularly concerned that responsibility for States to provide related services such as mental health for special needs children be clear. IDEA part B funds should be used for educational purposes, not to supplant State responsibilities. This is enormously important to my district and to California, and I appreciate the efforts of the gentleman from Ohio (Chairman BOEHNER) to work with me on this issue and of the Senate Members to provide the language.

I believe that this is, on balance, a bill with significant improvements, and I am certainly committed to monitoring its implementation so that we can continue to look for ways to see that our neediest students are served with dignity and meet with success.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. UPTON), a member of our committee.

Mr. UPTON. Mr. Speaker, I thank the gentleman for the time, and I commend him for his excellent work on getting things done on this vital issue.

Being one of the last speakers, I know a lot of things have been said about this bill. I do not want to take too much time to reiterate some of them, but let me tell my colleagues what this bipartisan agreement does.

It improves communications between parents and appropriate school personnel related to the development of the individual education plan.

It reduces the number of reevaluations required for students whose disability does not change as they age and progress through school.

They ensure that the Federal dollars for IDEA flow to the local districts and cannot be diverted for other State purposes. Very important.

Continues to send the majority of Federal funds to local school districts where children are served.

It protects parents from being forced to medicate their children.

The NCLB ensures, of course, that all children will be taught by highly qualified teachers. All children need to be taught by highly qualified teachers, and special education teachers are particularly in demand. To meet that goal, the NCLB is providing dramatic funding increases for teacher quality grants, and funds can be used for training and professional development specifically for special education teachers.

Two other things about this bill today that have not been said. The first is that it takes a major issue off the front burner as this committee works to help our kids in the next Congress so that we can focus on higher education and Head Start. This issue now is behind us, and to do it in the waning hour is a terrific accomplishment not only for the committee but for every Member, particularly my chairman.

For the gentleman from Ohio (Mr. BOEHNER), my chairman, this is always a very tough weekend for him. It is the weekend that the Wolverines beat the Ohio State Buckeyes, and he is usually in a very foul mood about four o'clock tomorrow afternoon. He will be very happy today with this passage, and I am sorry that he will be so unhappy tomorrow with the score put up on the board.

God bless the Wolverines.

Ms. WOOLSEY. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), a member of the full committee.

Mr. HOLT. Mr. Speaker, I thank the gentlewoman for the time, and I am pleased that the gentlewoman from California (Ms. WOOLSEY), the gentleman from California (Mr. GEORGE MILLER), the gentleman from Ohio (Mr. BOEHNER), the gentleman from Delaware (Mr. CASTLE) and the other conferees have succeeded in providing legislation that will help ensure the basic rights of children with disabilities to see that they get a free, excellent and appropriate education.

I still believe that we must work toward mandatory funding of IDEA. It appears this year in our appropriations we are going to slip farther away from our goal of providing 40 percent of the additional cost of educating these students. We need to work to provide a full Federal share of funding to educate these students.

I am pleased that the conference report removed a cap on the number of students that schools may identify as having a disability. The Federal Government should fulfill its obligation to provide for the education of every disabled child, not according to some arbitrary ceiling.

We all recognize the need for teachers to maintain discipline, but I am pleased to see that this legislation will continue to regard as relevant whether a child's disability is the cause of specific behavior before the discipline is brought to the child.

I strongly support the added protections for children who, through no fault of their own, move and change schools frequently so that their IEPs will transfer with them and be based and be used at the new school so that the parent and the new school can then work to develop a new IEP as appropriate.

I am pleased to see that the bill includes a provision related to educational media services which ensures visually impaired and print-disabled students will continue to have access to recorded education materials. IDEA funding received by organizations like Recording for the Blind and Dyslexic are critical to providing textbooks and reading material to students around the Nation.

I hope that in the future we will be able to work in a bipartisan manner on properly funding this legislation, but, while we work on that, I think this authorization bill provides a useful basis.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. REGULA), the dean of the Ohio delegation and the chairman of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies, my good friend.

(Mr. REGULA asked and was given permission to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me time, and I certainly want to compliment the gentleman from Ohio (Chairman BOEHNER) and the gentleman from Delaware (Mr. CASTLE) for producing a good bill.

In our committee, we hear a lot of testimony from parents and educators about the importance of this legislation, of these programs, and we have done everything possible to increase the funding each year to ensure that every student that has a need gets a quality experience in the IDEA program.

One of the things that this bill strengthens is those features along with giving greater choice and control to parents and local school districts, and, therefore, it will ensure that we do meet the goal of recognizing the need of every student and respond to the educators and parents that testify in my committee about the importance of this to their child and to their school.

I compliment them again, all the Members that participated in the conference committee, for producing a good bill that we can all take pride in.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BOEHNER) has 4½ minutes remaining. The gentlewoman from California (Ms. WOOLSEY) has 1½ minutes remaining.

Ms. WOOLSEY. Mr. Speaker, could you tell me how much time we have remaining on this side?

The SPEAKER pro tempore. The gentlewoman from California (Ms. WOOLSEY) has 1½ minutes remaining.

Ms. WOOLSEY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS), the voice of our subcommittee, who represents Illinois.

Mr. DAVIS of Illinois. Mr. Speaker, I want to commend, first of all, the gentleman from Ohio (Chairman BOEHNER) and the gentleman from California (Ranking Member GEORGE MILLER), as well as the gentleman from Delaware (Chairman CASTLE) and the gentlewoman from California (Ranking Member WOOLSEY), for the tremendous leadership they have displayed in bringing us to this point.

There are many good features of this legislation, and one that I am most pleased with is the fact that the conference report deals seriously with the whole question of the fact that in many places there are disproportionate numbers of certain population groups who are being placed in special education, especially African American males. The conference report deals in a serious way with the issue. It allows and suggests that school districts deal with it and permits them to use some of the resources. This is a hotbed issue in many communities throughout the country.

I want to commend the conferees for dealing seriously with it. It is a good piece of legislation. It is a good bill, and I am proud to support it.

□ 1115

Ms. WOOLSEY. Mr. Speaker, I yield ½ minute to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. BOEHNER. Mr. Speaker, I yield ½ minute to the gentleman from Rhode Island (Mr. LANGEVIN).

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 1 minute.

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman from Ohio (Mr. BOEHNER) and the gentlewoman from California (Ms. WOOLSEY) for yielding me this time, and I rise today in strong support of conference report H.R. 1350.

Mr. Speaker, I just want to take a moment to commend most especially the chairman of the committee, the gentleman from Ohio (Mr. BOEHNER), and the ranking member, the gentleman from California (Mr. GEORGE MILLER), as well as the members of the

committee, for their leadership in bringing us to where we are today. Time and time again both the ranking member and the chairman have shown an extraordinary commitment to people with disabilities, most especially children with disabilities; and it is because of their strong leadership and the hard work of the committee that we are where we are today.

And how appropriate it is that on the 30th anniversary of the passage of the Individuals with Disabilities and Education Act that we are where we started in the sense that it was passed with bipartisan support when it was first passed, and we are again here today celebrating the 30th anniversary with bipartisan support once again.

Children with disabilities will benefit a great deal from the reauthorization of this act. They are faced with so many disadvantages in so many ways, but IDEA truly helps level the playing field for them and helps them truly reach for their goals and dreams. My congratulations to all those who worked so hard to bring us to this point.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, over the last 4 years that I have had the pleasure of chairing the Committee on Education and the Workforce, I think we have come an awful long way in terms of transforming the Federal role in education and trying to help all of our kids in our country get a chance at a good education. And I think we have been fortunate to be able to do almost all of this in a broad bipartisan way.

The bill before us today is the result of a lot of commitment and hard work on the part of Members on both sides of the aisle. And while we have heard an awful lot of talk about IDEA and how we are transforming it, I think there is one important point that continues to be lost on many people. When we passed No Child Left Behind, we created a new paradigm for how we are going to judge the education of our special-needs students.

By disaggregating data in four subgroups in each school, including those with special needs, what we have done is we have asked schools to focus on results for our special education students as opposed to being burdened with a lot of paperwork, dotting I's, crossing T's and worrying about lawsuits. Now schools are judged on the results that they produce for these children.

There was some resistance to this, of course, because we still have people in America who think that students with special needs cannot learn. But that is nonsense, and I think all of us understand that have worked on this that these children can learn, and should learn, and society and our country owe them an opportunity to learn.

So schools now are having to produce results. And as a result the Individuals With Disabilities and Education Act itself had to be more integrated with No Child Left Behind, which we have

done in this conference report; and we needed to take the shackles off of our local school administrators and teachers so that they could focus on producing results as opposed to dotting more I's and crossing more T's and having the burdens of paperwork and lawsuits coming at them.

So I am proud of the bill that we have before us. It is not exactly what I would do, certainly not exactly what the gentleman from California (Mr. GEORGE MILLER) or the gentlewoman from California (Ms. WOOLSEY) would want. But that brings me to my last point.

The Congress, over the last few years, the last several sessions, let us call it 5 years, 6 years, 8 years, has been gripped in an awful lot of partisan strife. And what we have shown on No Child Left Behind, what we have shown on the Child Nutrition Act reauthorization we had earlier this year, the Vote Rehabilitation Act, and again today on IDEA reauthorization is that we can in fact work together.

I really do want to thank my colleague, the gentleman from California (Mr. GEORGE MILLER), the ranking Democrat. He referred to us last night in the Committee on Rules as the political odd couple, and we are. I would describe myself as a mainstream conservative Republican, the gentleman from California I would describe as a liberal Democrat. Neither one of us is shy about our opinions. But there is an issue here that I think can help not only the progress in our own committee but the progress in this House, and that is to learn to trust one another.

The gentleman from California and I began this process, this journey, 4 years ago by developing a trust with each other. And while we may disagree on many issues every day, he and I both know that we can trust each other and trust our word. I went to the gentleman from California and I went to Senators TED KENNEDY and JUDD GREGG back in September. And as highly partisan as things were leading up to the election, I looked them in this eye and said we can do this. We can do this if we trust each other, all work together, and there is a small opening that we may actually be able to finish this bill this year.

The reason we are here today is because we did in fact trust one another. We worked together. And I think once again we have produced an example of what can occur in this House each and every day if we are willing to put our partisan differences aside once in a while and think about why we are here and the trust and responsibilities that the American people have given us in order to do their work and not ours.

I thank all my colleagues.

Ms. ESHOO. Mr. Speaker, I'm pleased to rise today in support of the conference report on H.R. 1350, the Improving Education Results for Children with Disabilities Act. While the bill before us is not perfect, it is a vast improvement from the bill the House passed

over 19 months ago and represents a bipartisan effort to improve the Individuals with Disabilities Education Act (IDEA).

There does remain a glaring problem that has yet to be resolved with respect to IDEA. Congress has yet to fully fund IDEA at the 40-percent level that was the original promise Congress made almost 30 years ago. Without this funding, we will continue to overburden local school districts with costs of Federal mandates relative to special education programs. This is unfair.

Too often we fund education on the cheap—shortchanging title I, the No Child Left Behind Act, Pell Grants . . . the list goes on and on. We need to set an example by staying true to our word. Until Congress agrees to fulfill its 30-year promise to fund IDEA, we really can't say we're leaving no child behind.

In closing, I reiterate my support for the bill before us and remain hopeful that in the 109th Congress we will finally fully fund this important act.

Mrs. MALONEY. Mr. Speaker, I rise in support of this conference report for the Individual on the reauthorization of the Individuals with Disabilities Education Act, IDEA.

When the IDEA reauthorization passed the House in April, I voted against this bill because I was concerned that the House bill did not provide the assistance students with disabilities deserve and I had real concerns with the way the House bill sought to discipline disabled students.

Thankfully, the Conference Committee worked in a bipartisan manner and worked for what was best for our children with disabilities. I am pleased that this bill seeks to finally meet out funding goals by increasing authorization levels for grants to States. These new levels are set to fulfill our commitment of providing 40 percent of the national average of educating a child.

Even though I am pleased with a lot of what is contained in this conference report, I still have concerns about some of the provisions.

I don't want this bill to be the next "No Child Left Behind Act"—a bill that has great promise, but a bill that Congress and the President fails to fully fund. The gains in this reauthorization will be for naught unless this Congress backs up this bill with the appropriations necessary.

While changes have been made to the original House bill, we need to make sure that the Department of Education does the enforcement necessary to make sure students are not punished for behavior that is caused by their disability. I think we should all agree that under no circumstance should a child be punished for the behavior that has been caused by their disability.

This bill goes a long way to ensuring all students the education opportunities they deserve. I expect that this conference report will pass by a wide margin. I ask my colleagues to remember your vote today when it comes to actually appropriating funding for this bill. Today we make a commitment to disabled students across this country, let's not forget them during future votes on educational funding.

Mr. LANGEVIN. Mr. Speaker, I rise today to congratulate my colleagues on the bipartisan agreement on special education and in support of the conference report on H.R. 1350. This agreement is an example of what we can achieve when we place the interests of our

Nation's children, parents, and teachers before politics. In particular, I want to note the leadership of Chairman BOEHNER and Ranking Member MILLER on this issue. On this bill, and several other pieces of legislation this year, they have been devoted advocates for children with disabilities.

The Individuals with Disabilities Education Act—known as IDEA—is a civil rights law. It establishes that every child has a right to a free and appropriate public education. As a nation, we have long held sacred the belief that education is a path to success, a way for any individual to rise above challenging circumstances and achieve his or her dreams. I can personally attest to the fact that this rings true in a special way for children with disabilities. Education is essential to leveling the playing field for children who face obstacles in life at an early age. By recognizing that they have contributions to make and dreams to fulfill, IDEA offers these children the hope and promise that they can become fully productive members of society.

For these reasons, it has been my top priority to preserve the philosophy behind IDEA and ensure that teachers and administrators are given the appropriate resources to carry out this law. I did not support the bill that came before the House of Representatives in the spring of 2003, because it failed to preserve safeguards for students with disabilities in instances where behavior problems may be a manifestation of their disability. I also felt strongly that clear standards for special education teachers must be established and enforced; as they have been for other teachers under No Child Left Behind. I felt that we could do better for our children with disabilities.

I am delighted that negotiations between the House and the Senate have resulted in a final product that does better. The conference report that we are voting on today represents compromises by both Republicans and Democrats; as such, it represents a clear willingness to work together toward a future where all children receive a high quality education in our Nation's public schools. This legislation maintains the protections for children with disabilities in the discipline process, reaffirms their right to due process, and recognizes that highly trained professionals make all the difference in providing an appropriate education for any student.

In the upcoming Congress, we will celebrate the 30th anniversary of IDEA. How appropriate that a law which began as a bipartisan agreement to commit federal resources to the educational needs of students with disabilities is being reauthorized today in such an atmosphere of cooperation between both parties.

We have made much progress in these last 30 years—the majority of children with disabilities are now being educated in their neighborhood schools in regular classrooms with their nondisabled peers, and college enrollments among individuals receiving IDEA services have sharply increased. We must continue to work to level the playing field for all students. It is my sincere hope that this collaborative spirit and commitment to children with disabilities is reflected in the appropriations process and future legislation that offers the promise of the American dream to our more vulnerable citizens. Let us take this reauthorization process to pave the way to ensuring the full funding of IDEA, giving schools and teachers the

resources they need to meet the goals for each and every child in their classrooms.

I urge all my colleagues to support the conference report to H.R. 1350.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in support of this conference report to reauthorize the Individuals with Disabilities Education Act.

Let me at the outset thank Chairman BOEHNER, Subcommittee Chairman CASTLE, our ranking member, Mr. MILLER, and our subcommittee ranking member, Ms. WOOLSEY—along with our Senate colleagues, the rest of the conferees and their staff—for all of the hard work and long hours that went into producing this agreement today.

This is not a perfect bill. But it is a significant improvement over the House IDEA bill that I and most of my colleagues on this side of the aisle felt compelled to oppose in April 2003, and I believe it represents the best outcome that could reasonably have been expected in our current legislative environment.

In particular, I am pleased to see that this legislation restores some of the protections afforded to children with disabilities that the House-passed IDEA bill would have taken away. Moreover, I fully support the stepped-up monitoring and enforcement authority granted the Secretary of Education under this bill. And I believe the compromise reached with respect to certifying highly qualified special education teachers is a good one.

However, while the conference report adopts the Senate's 7-year authorization path to full funding, I remain concerned that the FY 2005 Omnibus Appropriations bill we will soon be considering will once again fall short of the \$12.3 billion authorized to fund this critical law. This is the 30th year in a row we have failed to meet our IDEA funding obligations—a record I consider to be an enduring disgrace. For that reason, I believe more than ever that we should make IDEA funding mandatory and place it on a near term, certain path to completion.

Toward that end, the very first bill I introduced in the 108th Congress—the Keep Our Promises To America's Children and Teachers (PACT) Act—would have fully funded IDEA as well as the No Child Left Behind law. In the 109th Congress, I intend to make the Keep Our PACT Act the very first bill I introduce again, and I invite all of my colleagues to join with me in that effort.

Mr. BLUMENAUER. Mr. Speaker, the Reauthorization of Individuals with Disabilities Education Act conference report is an improvement on the current program. I have been committed to fulfilling the Federal Government's promise of funding at least 40 percent of the IDEA program like it was intended during its enactment in 1975. Even though this bill does not immediately do that, it will by 2011. I am glad Congress was able to work in a bipartisan manner for our children's future. I hope we all keep faith with the spirit of this legislation.

This legislation contains new opportunities to make the program work better for students,

parents, teachers, and schools. It provides opportunities for parents and schools to address concerns before the need for due process hearings and fosters parental involvement in an Individual Education Plan. The conference report also provides quality service and instruction at all stages, from early childhood through high school.

Now it is up to the future Congresses to live up to the promises of this legislation and provide the funding to fulfill these programs.

Mr. GEORGE MILLER of California. Mr. Speaker, I also want to point out one oversight. A sentence in the Statement of Managers' language of the Conference Report that provided the explanation for the attorneys' fees language was inadvertently left out. By adding at Note 231 sections detailing the limited circumstances in which LEAs and SEAs can recover attorneys' fees, specifically Sections 615(i)(3)(B)(i)(II) and (III), the Conferees intend to codify the standards set forth in *Christiansburg Garment Co. v. EEOC*, 434 U.S. 412 (1978). According to *Christiansburg*, attorneys' fees may only be awarded to defendants in civil rights cases where the plaintiff's claims are frivolous, without foundation or brought in bad faith.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support H.R. 1350, the reauthorization of the Individuals with Disabilities Education Act. IDEA is a fundamental civil rights program that provides funds to states for the education of children with disabilities. As the world of education faces the challenge of leaving no child behind, this program takes on extra importance. Children with disabilities should have as much opportunity as any child to reach and even exceed their potential. However, since 1975, Congress has placed yet another unfunded mandate on local communities. Since IDEA became law, Congress has authorized spending of up to forty percent of the cost of the average per pupil expenditure on special education. We in Congress have failed to meet that commitment time after time. Fiscal Year 2004 meets 18.6 percent of that commitment, not even half of what we have promised. And this represents the highest percentage since the law was passed.

As a former teacher, member of a school board, State Senator, and now Congressman, I have heard for years from numerous local officials, school administrators, and teachers about the burden IDEA has placed on their budgets and their classrooms. Our communities are dedicated to meeting their moral obligation to provide an appropriate public education for children with disabilities, but they must face the difficult decisions of cutting non-essential school programs like arts, music, and sports or raising property taxes. They would not be faced with these decisions if the federal government lived up to its promises and obligations.

At the beginning of this Congress, I introduced legislation, H.R. 823, to fully fund IDEA now because we have abdicated our responsibility to fund this mandate for three decades. While I feel strongly that we should reach full funding sooner rather than later, I am pleased that H.R. 1350 provides a timeline towards full funding by 2011. However, I worry that the omnibus appropriations bill that we will be voting on later today will fail to meet the figure authorized for Fiscal year 2005 in the legislation we now debate. I hope the positive legislation that we partake in now will be remem-

bered later today and in the coming years when IDEA funding is debated.

While we may focus on the financial impact of this legislation, it has many important educational and moral implications. It aims to improve the collaboration between parents, administrators, educators, and students to provide the best possible education. This legislation will help schools better identify students with disabilities and get help to them sooner. It reduces unnecessary paperwork for teachers so they can spend more time teaching and aims to cut down on litigation between parents and school districts with early, effective dispute resolution. The conferees wisely removed controversial discipline provisions from the House bill while still achieving the goal of improved and streamlined disciplinary procedures.

Yet, despite all the good provisions in this bill, the fact remains that Congress and the President have a moral obligation to live up to what has been promised and neglected for so long. Yet, once again, Congress and the President are neglecting their moral obligation to live up to their words.

In conclusion, Mr. Speaker, I hope this bill achieves its goal of improving special education and truly leaving no child behind. However, I am cynical that the goal of full funding will be reached in the timeline provided by this bill. You can be assured that IDEA will be on my mind later today when voting on the omnibus appropriations bill for Fiscal Year 2005 and that I will continue to be a strong advocate and a active voice for children with disabilities.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of the final version of this bill to renew the Individuals with Disabilities Education Act (IDEA).

As the only former State schools chief serving in Congress. I know firsthand the tremendous challenges facing our schools, teachers, parents and students when it comes to educating disabled children. This legislation includes a number of positive provisions that will help students with disabilities and the educators who serve them. Specifically, I am pleased that this final version of the bill will enhance the focus on professional development, early intervention, and paperwork reduction.

I commend my colleagues for working in a bipartisan manner, an all-too-infrequent occurrence in this Congress, to achieve a consensus bill. No legislation is perfect, and this bill is no exception. Specifically, this falls short on making good on the promise of the Federal Government to fund 40 percent of the costs of educating disabled children. I will continue to make this effort a high priority in the next Congress.

Last year, I voted against the House version of H.R. 1350 because of its failure to improve current law regarding the education of disabled children. I again commend the conferees on this legislation for producing a final product worthy of support.

Mr. BOEHNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOEHNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 397, nays 3, not voting 32, as follows:

[Roll No. 537]

YEAS—397

Abercrombie	Davis, Jo Ann	Israel
Ackerman	Davis, Tom	Issa
Aderholt	Deal (GA)	Istook
Akin	DeFazio	Jackson (IL)
Alexander	DeGette	Jackson-Lee
Allen	Delahunt	(TX)
Andrews	DeLauro	Jefferson
Baca	DeLay	Jenkins
Bachus	DeMint	John
Baird	Deutsch	Johnson (CT)
Baker	Diaz-Balart, L.	Johnson (IL)
Baldwin	Diaz-Balart, M.	Johnson, E. B.
Ballenger	Dicks	Jones (NC)
Barrett (SC)	Dingell	Jones (OH)
Bartlett (MD)	Doggett	Kanjorski
Barton (TX)	Dooley (CA)	Keller
Bass	Doolittle	Kelly
Beauprez	Doyle	Kennedy (MN)
Becerra	Dreier	Kennedy (RI)
Bell	Duncan	Kildee
Berkley	Edwards	Kilpatrick
Berman	Ehlers	Kind
Biggart	Emanuel	King (IA)
Bilirakis	Emerson	King (NY)
Bishop (GA)	Engel	Kingston
Bishop (NY)	English	Kirk
Bishop (UT)	Eshoo	Kline
Blackburn	Etheridge	Knollenberg
Blumenauer	Evans	Kolbe
Blunt	Everett	Kucinich
Boehlert	Farr	LaHood
Boehner	Fattah	Lampson
Bonilla	Ferguson	Langevin
Bonner	Filner	Lantos
Bono	Foley	Larsen (WA)
Boozman	Forbes	Larson (CT)
Boswell	Ford	Latham
Boucher	Fossella	LaTourette
Boyd	Frank (MA)	Leach
Bradley (NH)	Franks (AZ)	Lee
Brady (PA)	Frelinghuysen	Levin
Brady (TX)	Galleghy	Lewis (CA)
Brown (OH)	Gerlach	Lewis (GA)
Brown (SC)	Gibbons	Lewis (KY)
Brown, Corrine	Gilchrest	Linder
Brown-Waite,	Gillmor	LoBiondo
Ginny	Gingrey	Lofgren
Burgess	Gonzalez	Lowe
Burns	Goode	Lucas (KY)
Burr	Goodlatte	Lucas (OK)
Burton (IN)	Gordon	Lynch
Butterfield	Granger	Majette
Buyer	Graves	Maloney
Calvert	Green (TX)	Manzullo
Camp	Green (WI)	Markley
Cantor	Greenwood	Marshall
Capito	Grijalva	Matheson
Capps	Gutierrez	McCarthy (MO)
Capuano	Gutknecht	McCollum
Cardin	Hall	McCotter
Cardoza	Harman	McCrery
Carson (IN)	Harris	McGovern
Carson (OK)	Hart	McHugh
Carter	Hastings (FL)	McInnis
Case	Hastings (WA)	McIntyre
Castle	Hayes	McKeon
Chabot	Hayworth	McNulty
Chandler	Hefley	Meek (FL)
Chocola	Hensarling	Meeks (NY)
Clay	Herger	Menendez
Clyburn	Herseeth	Mica
Coble	Hill	Michaud
Cole	Hinchey	Miller (FL)
Cooper	Hinojosa	Miller (MI)
Costello	Hobson	Miller (NC)
Cox	Hoekstra	Miller, Gary
Cramer	Holden	Miller, George
Crane	Holt	Mollohan
Crenshaw	Honda	Moore
Crowley	Hoolley (OR)	Moran (KS)
Cubin	Hosettler	Moran (VA)
Culberson	Houghton	Murphy
Cummings	Hoyer	Myrick
Davis (AL)	Hulshof	Nadler
Davis (CA)	Hunter	Napolitano
Davis (FL)	Hyde	Neal (MA)
Davis (IL)	Inslee	Nethercutt
Davis (TN)	Isakson	Neugebauer

Ney	Ros-Lehtinen	Sullivan
Northup	Ross	Sweeney
Nunes	Roybal-Allard	Tancredo
Nussle	Royce	Tanner
Oberstar	Ruppersberger	Tauscher
Obey	Rush	Tauzin
Olver	Ryan (OH)	Taylor (MS)
Ortiz	Ryan (WI)	Taylor (NC)
Osborne	Ryun (KS)	Terry
Ose	Sabo	Thomas
Otter	Sánchez, Linda	Thompson (CA)
Owens	T.	Thompson (MS)
Oxley	Sanchez, Loretta	Thornberry
Pallone	Sandlin	Tiahrt
Pascarella	Schakowsky	Tiberi
Pastor	Schiff	Tierney
Payne	Schrock	Towns
Pearce	Scott (GA)	Turner (OH)
Pelosi	Scott (VA)	Turner (TX)
Pence	Sensenbrenner	Udall (CO)
Peterson (MN)	Serrano	Udall (NM)
Peterson (PA)	Sessions	Upton
Petri	Shadegg	Van Hollen
Pickering	Shaw	Visclosky
Pitts	Shays	Vitter
Platts	Sherman	Walden (OR)
Pombo	Sherwood	Walsh
Pomeroy	Shimkus	Wamp
Porter	Shuster	Waters
Portman	Simmons	Watson
Price (NC)	Simpson	Watt
Pryce (OH)	Skelton	Waxman
Putnam	Slaughter	Weiner
Radanovich	Smith (MI)	Weldon (FL)
Ramstad	Smith (NJ)	Wexler
Rangel	Smith (TX)	Whitfield
Regula	Smith (WA)	Wicker
Rehberg	Snyder	Wilson (NM)
Renzi	Solis	Wilson (SC)
Reyes	Souder	Wolf
Reynolds	Spratt	Woolsey
Rodriguez	Stark	Wu
Rogers (AL)	Stearns	Wynn
Rogers (KY)	Stenholm	Young (FL)
Rogers (MI)	Strickland	
Rohrabacher	Stupak	

NAYS—3

Flake	Garrett (NJ)	Paul
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NOT VOTING—32

Berry	Kaptur	Norwood
Cannon	Klecza	Quinn
Collins	Lipinski	Rahall
Conyers	Matsui	Rothman
Cunningham	McCarthy (NY)	Sanders
Dunn	McDermott	Saxton
Feeney	Meehan	Toomey
Frost	Millender-	Velázquez
Gephardt	McDonald	Weldon (PA)
Hoeffel	Murtha	Weller
Johnson, Sam	Musgrave	Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1149

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CUNNINGHAM. Mr. Speaker, I was unavoidably detained and was not present for rollcall vote 537, on agreeing to the Conference Report for H.R. 1350 to reauthorize the Individuals with Disabilities Education Act. Had I been present, I would have voted "yes."

Mrs. MCCARTHY of New York. Mr. Speaker, on November 19, 2004, I missed rollcall vote No. 537 due to surgery. Rollcall vote 537 was on final passage of the conference report on H.R. 1350, the Individuals with Disabilities Education (IDEA) Improvement Act. Had I been present I would have voted "yes" on rollcall vote 537.

Mr. SAXTON. Mr. Speaker, on rollcall 537, adoption of the Conference Report on H.R.

1350, to authorize the Individuals with Disabilities Education Act, I was not present. I was attending the funeral of a fallen soldier. Had I been present, I would have voted "aye."

CORRECTING ENROLLMENT OF H.R. 1350, INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004

Mr. BOEHNER. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 524) directing the Clerk of the House of Representatives to make certain corrections to the enrollment of H.R. 1350, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Ms. WOOLSEY. Mr. Speaker, reserving the right to object, although I do not intend to object, I yield to the gentleman for an explanation of his request.

Mr. BOEHNER. I thank my colleague for yielding. This concurrent resolution allows the Enrolling Clerk to make a technical correction to the conference report on H.R. 1350.

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 524

Resolved by the House of Representatives (the Senate concurring). That, in the enrollment of the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) Modify section 674(c)(1)(D) of the Individuals with Disabilities Education Act, as amended by section 101 of the Individuals with Disabilities Education Improvement Act of 2004, by striking "and secondary schools" and inserting "secondary schools, postsecondary schools, and graduate schools";

(2) Modify section 612(a)(14) of the Individuals with Disabilities Education Act, as amended by section 101 of the Individuals with Disabilities Education Improvement Act of 2004, by—

(A) redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following:

"(C) QUALIFICATIONS FOR SPECIAL EDUCATION TEACHERS.—The qualifications described in subparagraph (A) shall ensure that each person employed as a special education teacher in the State who teaches elementary school, middle school, or secondary school is highly qualified by the deadline established in section 1119(a)(2) of the Elementary and Secondary Education Act of 1965.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

AMERICAN HISTORY AND CIVICS
EDUCATION ACT OF 2004

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5360) to authorize grants to establish academies for teachers and students of American history and civics, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American History and Civics Education Act of 2004".

SEC. 2. PRESIDENTIAL ACADEMIES FOR TEACHING OF AMERICAN HISTORY AND CIVICS; CONGRESSIONAL ACADEMIES FOR STUDENTS OF AMERICAN HISTORY AND CIVICS.

(a) ESTABLISHMENT.—The Secretary of Education (referred to in this Act as the "Secretary") may award not more than 12 grants, on a competitive basis—

(1) to entities to establish Presidential Academies for Teaching of American History and Civics that may offer workshops for both veteran and new teachers of American history and civics; and

(2) to entities to establish Congressional Academies for Students of American History and Civics.

(b) APPLICATION.—An entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(c) DEMONSTRATED EXPERTISE.—The Secretary shall require that each entity, to be eligible to receive a grant under this section, demonstrate expertise in historical methodology or the teaching of history.

(d) AVAILABLE FUNDS.—To carry out this section, the Secretary may use any funds appropriated for fiscal year 2005 or any subsequent fiscal year to carry out part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241 et seq.).

SEC. 3. NATIONAL HISTORY DAY PROGRAM.

The Secretary may award grants to the National History Day Program for the purpose of continuing and expanding its activities to promote the study of history and improve instruction.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5360.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Today the House will consider H.R. 5360, the American History and Civics Education Act of 2004. This bill, which was introduced by my colleague from Mississippi (Mr. WICKER), is intended to support programs that will help raise student academic achievement by improving the knowledge, understanding and appreciation of American history and civics education for our Nation's teachers and students.

According to the 2001 National Assessment of Educational Progress assessment in United States history, 33 percent of students in grades 4 scored below basic, 36 percent of students in grade 8 scored below basic, and 57 percent of students in grade 12 scored below basic.

In addition, the data from the assessment revealed that 92 percent of students in grade 12 could not explain the most important cause of the Great Depression, 91 percent of students in grade 8 could not list two issues that were important in causing the Civil War, and 73 percent of the students in grade 4 could not identify the Constitution from among four choices as the document that contains the basic rules used to run the United States Government.

Accordingly, H.R. 5360 is designed to improve student academic achievement in American history and civics education by authorizing the Secretary of Education to use existing funds to award grants to entities to establish Presidential Academies for Teaching of American History and Civics to help strengthen the teaching skills and knowledge of teachers in American history and civics. H.R. 5360 also authorizes the use of existing funds at the Department of Education for Congressional Academies for Students of American History and Civics to help broaden secondary students' knowledge of American history and civics.

Finally, this legislation authorizes the Secretary to use existing funds to award grants to the National History Day program to promote the study of history and improve instruction. The purpose of H.R. 5360 is to help our Nation's students and teachers develop a deeper understanding and appreciation of American history and civics education. I urge my colleagues to support the legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this bill. Just as an aside, I would like to say, as a Member of Congress, if there is any subject I wish I had paid more attention to, it would have been American history. I support this bill, which improves history and civics education, primarily by funding workshops for

history teachers. It recognizes the importance of teaching our children history and allows for Federal support for an effective and widely respected program, National History Day.

This bill creates both Presidential Academies for Teaching of American History and Civics and Congressional Academies for Students of American History and Civics. I am pleased that it will ensure that these are quality programs by ensuring that grants are awarded only to those who have demonstrated expertise in historical methodology or the teaching of history.

A very important feature of this legislation authorizes the Secretary of Education to award grants to the National History Day program, a highly successful, year-long national program that trains teachers and sponsors a national competition among junior high and high school students. They produce dramatic performances, imaginative exhibits, multimedia documentaries and research papers based on research related to an annual theme.

The National History Day program, which reaches 2 million people annually from nearly every State, teaches students important literacy skills and engages them in the use and understanding of museum and library resources. It inspires students to study local history and challenges them to expand their thinking and apply knowledge of local events to national and, at times, international issues. The program also teaches students to become technologically literate through the use of computer and Internet research methods and the use of technologically advanced applications in their presentations.

For more than 25 years, National History Day has used history to help students develop research, thinking and communication skills. I am pleased that this bill would help continue and expand its important activities.

All Americans benefit from a better understanding of history, and this bill is a positive step toward ensuring that future generations have the background and tools for appreciating history and applying those lessons to our daily lives.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Mississippi (Mr. WICKER), sponsor of this legislation in the House of Representatives, himself one who cares deeply about history.

Mr. WICKER. Mr. Speaker, I want to thank my friend from Delaware as well as my friend from California for their remarks so far in this debate. I also want to thank the chairman of the full committee, the gentleman from Ohio (Mr. BOEHNER), who, Mr. Speaker, has been enormously patient and helpful to me during this year-long effort to promote better knowledge of American history and civics. Thanks also goes to the ranking member of the full committee as well as the entire House leadership. I am very appreciative.

Mr. Speaker, we meet today in a Chamber that exhibits a magnificent portrait of George Washington just to my left. We meet at a location actually selected by George Washington, the father of our country. Just above the Speaker's podium is a profound quote from another of our distinguished patriots, Daniel Webster. We are governed today by rules promulgated in part by Thomas Jefferson, the author of the Declaration of Independence and another of our great founders.

In that atmosphere, Mr. Speaker, it is perhaps hard for us to imagine that not everyone in our country shares our appreciation for this great system of government and this wonderful tradition and history of freedom and independence that we have in America or has even a rudimentary knowledge of that great system of government. Yet, sadly, as I talk to my colleagues about this issue, they have observed the same thing as they travel around the country that I have: an appalling, even shocking, lack of knowledge about American history and our American system. This is particularly true among our young people.

Just a few facts, Mr. Speaker. Sixty-two percent of Americans today cannot name the three branches of the Federal Government. An examination was given to seniors in 55 of our Nation's top colleges and universities, including Brown, Harvard and Princeton. The exam contained 34 questions, multiple choice, testing a high school level of proficiency on American history. Some 81 percent of the seniors in these colleges received either a D or an F on these examinations. Seventy-five percent of our high school seniors are not proficient in American history and civics, and one-third lack even a basic knowledge of this subject matter.

Part of the reason for this, Mr. Speaker, is that the curriculum at these same 55 elite universities does not require an American history course for graduation and 78 percent require no history credit at all to graduate from the best colleges and universities in our land. As a result of this fact, over one-half of our high school history teachers received their college degrees in subjects other than history.

□ 1200

This is not their fault, Mr. Speaker. This is simply a fact which we are trying to address today.

Simply put, what this bill does, as my friend from Delaware stated, is to authorize the Secretary of Education to award competitive grants from existing funds for summer academies that would promote civics and history education. The grants would be available to colleges and universities, to museums, libraries, nonprofit organizations, some of which are already engaged in this type of activity, and other entities that can demonstrate the capability to enhance the subject matter.

The sessions for teachers would focus on new ideas and more creative ways to

communicate the history and civics curriculum to students. It would not dictate a curriculum. Separate academies for students would provide a unique and more comprehensive look at the important subjects of civics and education.

I would say to the Members in closing, Mr. Speaker, that this legislation has the support of a wide spectrum of Americans, from Paul Weyrich and Bill Bennett on the right, to Senator TED KENNEDY at the other end of the political spectrum. I think it simply demonstrates this: that knowledge and understanding of America and Americanism really has no ideology.

I again express my thanks to the leadership of the committee and of House of Representatives, and I urge a "yes" vote on the bill.

Ms. WOOLSEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I urge support of the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 5360, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DIRECTING SECRETARY OF SENATE TO CORRECT ENROLLMENT OF S. 150

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 146) to direct the Secretary of the Senate to make corrections in the enrollment of the bill, S. 150.

The Clerk read as follows:

S. CON. RES. 146

Resolved by the Senate (the House of Representatives concurring). That, in the enrollment of the bill (S. 150) to extend the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act, the Secretary of the Senate shall make the following corrections:

(1) Amend subsection (a) of section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note), as added by section 3 of the bill, to read as follows:

"(a) PRE-OCTOBER 1998 TAXES.—

"(1) IN GENERAL.—Section 1101(a) does not apply to a tax on Internet access that was generally imposed and actually enforced prior to October 1, 1998, if, before that date—

"(A) the tax was authorized by statute; and

"(B) either—

"(i) a provider of Internet access services had a reasonable opportunity to know, by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

"(ii) a State or political subdivision thereof generally collected such tax on charges for Internet access.

"(2) TERMINATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), this subsection shall not apply after November 1, 2007.

"(B) STATE TELECOMMUNICATIONS SERVICE TAX.—

"(i) DATE FOR TERMINATION.—This subsection shall not apply after November 1, 2006, with respect to a State telecommunications service tax described in clause (ii).

"(ii) DESCRIPTION OF TAX.—A State telecommunications service tax referred to in subclause (i) is a State tax—

"(I) enacted by State law on or after October 1, 1991, and imposing a tax on telecommunications service; and

"(II) applied to Internet access through administrative code or regulation issued on or after December 1, 2002."

(2) Insert after section 6 of the bill the following:

SEC. 6A. EXCEPTION FOR TEXAS MUNICIPAL ACCESS LINE FEE.

The Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 6, is amended by adding at the end the following:

"SEC. 1109. EXCEPTION FOR TEXAS MUNICIPAL ACCESS LINE FEE.

"Nothing in this Act shall prohibit Texas or a political subdivision thereof from imposing or collecting the Texas municipal access line fee pursuant to Texas Local Govt. Code Ann. ch. 283 (Vernon 2005) and the definition of access line as determined by the Public Utility Commission of Texas in its 'Order Adopting Amendments to Section 26.465 As Approved At The February 13, 2003 Public Hearing', issued March 5, 2003, in Project No. 26412."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from North Carolina (Mr. WATT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. Con. Res. 146 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the enrolling resolution before us from the other body makes some modest, but important, changes to S. 150, a bill to extend the moratorium on Internet access taxes and multiple and discriminatory Internet taxes, which we will consider in a few minutes. When we move to that bill, I will describe the underlying legislation. For now I will just state that the changes made by this enrolling resolution are necessary in order for me to support passage of S. 150.

The most important change to S. 150 contained in the enrolling resolution is that it will apply the same moratorium on Internet access taxes to my home

State of Wisconsin that applies to at least 40 other States. Beginning in November of 2006, the special grandfathered status enjoyed by Wisconsin since 1998 that allows the State to continue to tax Internet users will end, and my State like most every other State will have to abide by the Internet tax moratorium and stop taxing Wisconsin's Internet service.

The House passed legislation reported by the Committee on the Judiciary, H.R. 49, that would have ended the special grandfathered status of all the 1998 States effective immediately.

The section of language added to S. 150 by this enrolling resolution affecting grandfathered taxation is intended to apply to all States that have imposed Internet access taxes via an administrative ruling made well after the 1998 moratorium was enacted that taxes Internet access as a telecommunications service. I find this type of *ex post facto* attempt to circumvent the general moratorium without new State legislative action to be offensive. However, out of the 1998 grandfathered States, I believe only Wisconsin's actions today meet the requisite objective criteria in this provision. Therefore, only Wisconsin will find its 1998 grandfather status revoked by this language.

The other change contained in the resolution adds a new section to the bill that would clarify that certain taxes and fees imposed by Texas municipalities are not included within the scope of the moratorium on Internet access and that such Texas municipalities could continue to collect franchising and right-of-way fees when telecommunications companies build infrastructure and use public rights of way. We believe that this provision clearly only applies to Texas.

Mr. Speaker, I urge Members to extend the Internet tax freedom once again to most of our citizens and join me in supporting this concurrent resolution and the underlying bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 146.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

INTERNET TAX NONDISCRIMINATION ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 150) to make permanent the moratorium on taxes on

Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

The Clerk read as follows:

S. 150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Tax Nondiscrimination Act".

SEC. 2. FOUR-YEAR EXTENSION OF INTERNET TAX MORATORIUM.

(a) IN GENERAL.—Subsection (a) of section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

"(a) MORATORIUM.—No State or political subdivision thereof may impose any of the following taxes during the period beginning November 1, 2003, and ending November 1, 2007:

"(1) Taxes on Internet access.

"(2) Multiple or discriminatory taxes on electronic commerce."

(b) CONFORMING AMENDMENTS.—(1) Section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(2) Section 1104(10) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

"(10) TAX ON INTERNET ACCESS.—

"(A) IN GENERAL.—The term 'tax on Internet access' means a tax on Internet access, regardless of whether such tax is imposed on a provider of Internet access or a buyer of Internet access and regardless of the terminology used to describe the tax.

"(B) GENERAL EXCEPTION.—The term 'tax on Internet access' does not include a tax levied upon or measured by net income, capital stock, net worth, or property value."

(3) Section 1104(2)(B)(i) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking "except with respect to a tax (on Internet access) that was generally imposed and actually enforced prior to October 1, 1998,".

(c) INTERNET ACCESS SERVICE; INTERNET ACCESS.—

(1) INTERNET ACCESS SERVICE.—Paragraph (3)(D) of section 1101(d) (as redesignated by subsection (b)(1) of this section) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking the second sentence and inserting "The term 'Internet access service' does not include telecommunications services, except to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access."

(2) INTERNET ACCESS.—Section 1104(5) of that Act is amended by striking the second sentence and inserting "The term 'Internet access' does not include telecommunications services, except to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access."

SEC. 3. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by redesignating section 1104 as section 1105; and

(2) by inserting after section 1103 the following:

"SEC. 1104. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.

"(a) PRE-OCTOBER 1998 TAXES.—

"(1) IN GENERAL.—Section 1101(a) does not apply to a tax on Internet access that was generally imposed and actually enforced prior to October 1, 1998, if, before that date,

the tax was authorized by statute and either—

"(A) a provider of Internet access services had a reasonable opportunity to know, by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

"(B) a State or political subdivision thereof generally collected such tax on charges for Internet access.

"(2) TERMINATION.—This subsection shall not apply after November 1, 2007.

"(b) PRE-NOVEMBER 2003 TAXES.—

"(1) IN GENERAL.—Section 1101(a) does not apply to a tax on Internet access that was generally imposed and actually enforced as of November 1, 2003, if, as of that date, the tax was authorized by statute and—

"(A) a provider of Internet access services had a reasonable opportunity to know by virtue of a public rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; and

"(B) a State or political subdivision thereof generally collected such tax on charges for Internet access.

"(2) TERMINATION.—This subsection shall not apply after November 1, 2005."

SEC. 4. ACCOUNTING RULE.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

"SEC. 1106. ACCOUNTING RULE.

"(a) IN GENERAL.—If charges for Internet access are aggregated with and not separately stated from charges for telecommunications services or other charges that are subject to taxation, then the charges for Internet access may be subject to taxation unless the Internet access provider can reasonably identify the charges for Internet access from its books and records kept in the regular course of business.

"(b) DEFINITIONS.—In this section:

"(1) CHARGES FOR INTERNET ACCESS.—The term 'charges for Internet access' means all charges for Internet access as defined in section 1105(5).

"(2) CHARGES FOR TELECOMMUNICATIONS SERVICES.—The term 'charges for telecommunications services' means all charges for telecommunications services, except to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access."

SEC. 5. EFFECT ON OTHER LAWS.

The Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 4, is amended by adding at the end the following:

"SEC. 1107. EFFECT ON OTHER LAWS.

"(a) UNIVERSAL SERVICE.—Nothing in this Act shall prevent the imposition or collection of any fees or charges used to preserve and advance Federal universal service or similar State programs—

"(1) authorized by section 254 of the Communications Act of 1934 (47 U.S.C. 254); or

"(2) in effect on February 8, 1996.

"(b) 911 AND E-911 SERVICES.—Nothing in this Act shall prevent the imposition or collection, on a service used for access to 911 or E-911 services, of any fee or charge specifically designated or presented as dedicated by a State or political subdivision thereof for the support of 911 or E-911 services if no portion of the revenue derived from such fee or charge is obligated or expended for any purpose other than support of 911 or E-911 services.

“(c) NON-TAX REGULATORY PROCEEDINGS.—Nothing in this Act shall be construed to affect any Federal or State regulatory proceeding that is not related to taxation.”.

SEC. 6. EXCEPTION FOR VOICE AND OTHER SERVICES OVER THE INTERNET.

The Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 5, is amended by adding at the end the following:

“SEC. 1108. EXCEPTION FOR VOICE SERVICES OVER THE INTERNET.

“Nothing in this Act shall be construed to affect the imposition of tax on a charge for voice or similar service utilizing Internet Protocol or any successor protocol. This section shall not apply to any services that are incidental to Internet access, such as voice-capable e-mail or instant messaging.”.

SEC. 7. GAO STUDY OF EFFECTS OF INTERNET TAX MORATORIUM ON STATE AND LOCAL GOVERNMENTS AND ON BROADBAND DEPLOYMENT.

The Comptroller General shall conduct a study of the impact of the Internet tax moratorium, including its effects on the revenues of State and local governments and on the deployment and adoption of broadband technologies for Internet access throughout the United States, including the impact of the Internet Tax Freedom Act (47 U.S.C. 151 note) on build-out of broadband technology resources in rural under served areas of the country. The study shall compare deployment and adoption rates in States that tax broadband Internet access service with States that do not tax such service, and take into account other factors to determine whether the Internet Tax Freedom Act has had an impact on the deployment or adoption of broadband Internet access services. The Comptroller General shall report the findings, conclusions, and any recommendations from the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce no later than November 1, 2005.

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act take effect on November 1, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from North Carolina (Mr. WATT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 150, the Senate bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 150, the Internet Tax Non-discrimination Act.

In 1998, Congress passed the Internet Tax Freedom Act to protect the Internet from crippling taxation and piecemeal regulation. The act prohibited States from imposing multiple and discriminatory taxes on electronic commerce and shielded consumers from

new Internet access taxes. However, some States that had already begun taxing on Internet access by 1998 were allowed to continue such taxation temporarily.

During the 107th Congress, we extended the moratorium until November 1, 2003. On July 24, 2003, well before the November expiration deadline, the House Committee on the Judiciary reported H.R. 49, the Internet Tax Non-discrimination Act. Introduced by the gentleman from California (Mr. COX), H.R. 49 made permanent the ban on taxes that targeted the Internet for discriminatory treatment and immediately ended all taxes on Internet access by all States and localities.

Unlike the Senate bill, H.R. 49 also eliminated the so-called grandfather clause for States that taxed Internet access prior to October 1, 1998; and through a bipartisan amendment offered in subcommittee by the gentleman from Utah (Mr. CANNON) and the gentleman from North Carolina (Mr. WATT), the House bill preserved the original intent of the law by not punishing broadband users, then providing tax freedom for all forms of Internet access, whether by dial-up, cable, or DSL line. H.R. 49 passed the House by voice vote on September 17, 2003. Unfortunately, the other body was unable to pass legislation extending the moratorium until April 29, 2004, 6 months after the moratorium expires.

The Senate bill differs from H.R. 49 in several ways. First, rather than a permanent moratorium, it creates a temporary 4-year moratorium on Internet access taxes running retroactively from November 1, 2003, until November 1, 2007. Secondly, it extends the 1998 grandfather clause for the life of the moratorium so that all those States currently taxing Internet access will continue to do so with the one notable exception of Wisconsin, which I already addressed fully when we considered the related enrolling resolution.

□ 1215

Third, it creates a new, 2-year grandfather clause for States that tax Internet access after the expiration of the moratorium.

Despite these weaknesses which I believe to be substantial, passing the Senate bill extending the Internet tax moratorium is still a big win for the vast majority of American Internet users. Without any action by this Congress, Internet commerce would still be subject to State and local taxes in thousands of jurisdictions. The digital economy and its participants are more vulnerable if we do not act, even if we must act on a weaker bill.

For those reasons I support passage of S. 150, which will extend the benefits of the moratorium until 2007.

At this time, let me put everyone on notice that in the next Congress, even though the moratorium does not expire during the life of the 109th Congress, I will attempt, once again, to make this moratorium permanent so that no

State, when it puts together its budget in January of 2007, will fall into the trap of counting Internet access taxes as revenue.

The bill, together with the enrolling resolution just passed, will at least temporarily protect against those States and localities taxing our e-mail and taxing Web service. The extension of the moratorium will help vitalize the Internet economy, provide tax relief to consumers no matter how they get their Internet access, and will stimulate equal access to this increasingly important medium. I will continue to assess future avenues that will promote greater Internet access at higher speeds and at less cost for all Americans. Let everybody be on notice that that is going to happen sooner rather than later.

For now, I urge my colleagues to join me in supporting S. 150 and making the Internet a less taxing and more productive experience.

Mr. Speaker, I reserve the balance of my time.

Mr. WATT. Mr. Speaker, I yield myself such time as I may consume, which will be a very short amount of time, just to make two points.

Number one, the chairman of my committee and I have served so long together that he did not even flinch when I was debating a bill that I thought was all part of one big parcel, because he has seen me many times debate something that we were not discussing in committee, so it did not come as any surprise to him at all. He did not even flinch.

So I think on that what I will do is roll the statement that I read on S. 150 into this debate. That was the discussion on the last bill. I thought we were doing this, all this part and parcel of one big bill here, rather than in two stages. So I hope I can just roll that last statement on to this debate and save myself from having to read it again.

Second, I would just say to the gentleman on his “do not surprise us in the next Congress” that I think there has been a long-term agreement and commitment to making the Internet exempt from taxation a permanent moratorium. The thing that has held that up is that, at the same time, States and local governments have wanted to work out a national uniform system for taxing remote sales that take place over the Internet so that they do not lose substantial revenues from that source. So I think if we could come up with a system to put into place some uniform standards for taxation of remote sales over the Internet, making the moratorium on Internet access would be a no-brainer and a very noncontroversial step.

So I would hope that I would be able to join the chairman of the full committee in supporting a permanent moratorium on Internet access taxes, but I would be able to do that only if we can work out this other deal having to do

with putting in place a taxation system for taxation of remote sales that are taking place over the Internet.

Because what is happening now is that brick and mortar retailers in all of our communities are collecting sales taxes on sales that are taking place in those brick and mortar stores and, at the same time, people are able to buy over the Internet the same product and be exempt from paying taxes on it because there is no uniform way for collecting those taxes at remote locations. That is costing local governments and State governments in some cases enormous amounts of tax revenues, because most of them are supported by sales taxes or local property taxes, and this is eroding a primary base of tax income for local communities and State communities.

So if we can get that part of this equation worked out, I think the chairman would see a virtual landslide of support for making the moratorium on Internet access a permanent moratorium, and I would be right in the lead of the march with my chairman, and I hope he will join us in trying to make that happen in the next term of Congress.

Mr. WATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 150, the Internet Tax Nondiscrimination Act, and urge my colleagues to support its passage. It has been a long journey to get here, but I believe that the compromise forged in the Senate preserves the goals we sought here in the House both at the subcommittee and full committee levels.

Specifically, S. 150 extends the existing moratorium against taxes on Internet access by all State and local governments, including those that were previously grandfathered by the Internet Tax Freedom Act, and there is a new grandfather for States that imposed taxes on access to the Internet until November 1, 2005. Although this bill will necessarily result in the potential loss of some revenue to some States, it will promote the continued development, emergence, and widespread access to the Internet; and it will do so in a fair and technologically neutral manner.

During the proceedings on this bill in the House, I, together with the gentleman from Utah (Mr. CANNON), the chairman of the Subcommittee on Commercial and Administrative Law, on which I am the ranking member, offered an amendment to help clarify the meaning of Internet access and to put an end to the current confusion that has led to discriminatory and inconsistent State taxation on Internet access. The bill before us today represents a compromise on that amendment which is supported by the relevant stakeholders, including the industry and the State and local government representatives.

The principle I pursued in offering the amendment was simple: If we are to prohibit taxes on Internet access, we

must do so regardless of how that access is provided. Otherwise, we would give a competitive advantage to those providers covered by the moratorium over those providers that remain subject to taxation. This would limit the choices of consumers and raise the cost of alternative means of accessing the Internet such as DSL. By making the moratorium applicable to all Internet service providers, we have created a level playing field for the consumer. In the process, we have had no intention to otherwise undermine State and local telecommunications tax bases.

With this issue now behind us if we pass this bill, this Congress must turn to the issue of State sales and use taxes. I, along with the gentleman from Massachusetts (Mr. DELAHUNT) and other colleagues on our subcommittee, have insisted throughout our deliberations to ban Internet access taxes that we remain mindful of the fiscal crisis currently confronting many of our States. Toward that end, the States' attempt to establish a unified tax system that would enable them to impose and collect sales taxes on transactions over the Internet in a manner that is fair and manageable has progressed; and I believe that during the next term of Congress we will be able to work toward a sensible solution to solve the remote sales tax issue when remote sales are taking place over the Internet.

In closing, I believe that S. 150 will ensure that the ban on Internet access taxes is neutral as to technology, speed, and provider. I urge my colleagues to vote in favor of this bill.

I thank the gentleman for his hard work on this and certainly thank the gentleman from Utah (Mr. CANNON), my subcommittee Chair, in his absence, for the tremendous amount of work he has put into this issue.

Mr. Speaker, I have no further requests for time either on S. Con. Res. 146, which I thought I was debating the last time, or on S. 150, which I understand we are debating now, so I will be happy, unless the chairman wants to promise me he is going to work with me on this remote sales tax issue and wants to have a dialogue about that, I am happy to yield back the balance of my time, or yield to the chairman if he wants to comment on it.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 15 seconds to say that access taxes and remote sales tax collections are two separate issues. It is like apples and oranges, and when you mix apple juice and orange juice in the same concoction, frequently it is not very tasty. But we will deal with both of those issues and consider them in the next Congress.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. COX), the author of H.R. 49.

Mr. COX. Mr. Speaker, I thank the gentleman from Wisconsin (Chairman

SENSENBRENNER) and thanks also to the gentleman from Michigan (Ranking Member CONYERS) for the Committee on the Judiciary's staunch leadership on this issue. Special thanks also to the chairman of the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary, the gentleman from Utah (Mr. CANNON), and, of course, to the Ranking Member, the gentleman from North Carolina (Mr. WATT), the author of a critical amendment to this bill which makes it explicit that the Internet tax moratorium provides consumers with tax freedom from all forms of Internet access, regardless of the technology, wired or wireless, broadband or dial-up, or any pathway yet to be invented.

While I am proud to be the author of the Internet Tax Freedom Act, which created the Internet tax moratorium in 1998, and the Internet Tax Nondiscrimination Act, which passed this Congress unanimously last year, this is the work of a great bipartisan team led on the Senate side by GEORGE ALLEN of Virginia and my original moratorium coauthor, who was then a member of the House, RON WYDEN of Oregon, and by President Bush who urged this Congress to extend this most valuable of consumer protections from taxation.

Republicans and Democrats have come together to say that, no matter how we might choose to fund government services, we all agree that the worst way to do it would be to create new taxes on the Internet. That would be harmful to consumers, destructive to technological innovation, and bad for our economy.

The case for allowing Internet access to remain tax-free has never been stronger. With 200 million Americans now online, a new tax on access would be a tax on working families. Our citizens recognize the danger. Eighty-eight percent of Americans oppose new Internet access taxes. So one might say that this legislation, the Internet Tax Freedom Act and the Internet Nondiscrimination Act, this moratorium, are the most popular tax issues in America.

New Internet taxes would also be highly destructive to the American economy. Studies from the Brookings Institution, the University of California, Harvard, Stanford, MIT, the Congressional Budget Office, the Department of Commerce, and the Federal Reserve all confirm the positive role of the Internet in making Americans more productive. New taxes can only slow this valuable and powerful engine of our economy and job growth, productivity and prosperity in America.

Finally, Mr. Speaker, the United States of America needs to regain world leadership in encouraging other countries around the world to keep taxes off of the World Wide Web. The Internet is truly global commerce. The original Internet Tax Freedom Act instructed the executive branch to negotiate bilateral understandings with

other countries, and our executive branch has done so. During the period of time when this moratorium was expired, America could hardly lead when our own policy was not clear that we forbid taxation of the Internet. Now we are back where we belong in our role of world leadership, and the Bush administration can once again resume with confidence negotiations with other countries to make sure that when we go online it is not just other foreign states that will not be taxing you, your Internet activities will not be prey to predatory tax policies from other countries as well.

Mr. Speaker, I urge all Members to vote yes on this excellent legislation, S. 150, and yes on the enrolling resolution. I thank the chairman for this great success for consumers.

Mr. WATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to assure the gentleman from California (Mr. Cox) that he did not really say anything that I disagree with. Neither did the chairman say anything that I disagree with.

I agree that taxation of Internet access and taxation of remote sales are like apples and oranges. But both of them have economic impact on State and local communities, and just because they are apples and oranges does not mean that they do not have an economic impact. So what has been keeping this from moving forward is that if you take away the Internet access issue and you do not resolve the remote sales issue, then local and State communities are being doubly impacted in some cases, and they would like us to resolve both of those issues. They do not necessarily want us to mix orange juice and apple juice together, but they do want us to be able to drink apple juice at one point and drink orange juice at the other point, and they are not mutually exclusive, and they have a similar impact in local communities.

So I am in full agreement that we ought to make this moratorium permanent on Internet access. I am supporting both of these bills, and I do not think there is any controversy about that.

My only point is we also need to now roll up our sleeves in this next term of Congress and resolve the remote sales tax issue so that we can put all of this to rest, and then we can drink both apple juice and orange juice and enjoy both of them in due course.

Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

Mr. PICKERING. Mr. Speaker, I rise today for two reasons: First, to support S. 150, "The Internet Tax Nondiscrimination Act," and, second, to clarify a mischaracterization of a provision of S. 150 that has appeared in the media and perhaps in the minds of some of my colleagues concerning the affect of S. 150 on Voice over Internet Protocol or VoIP.

First, I support passage of S. 150 and commend my colleagues in both the House and

the Senate for working vigorously to forge a compromise that addresses, albeit in a temporary fashion, the most important issue we face today concerning what's been termed the "digital divide"—bridging the gap between those who have Internet access and those who do not by protecting such access for all Americans from overburdensome taxation by a multiplicity of State and local governments that would directly and substantially inhibit the growth and expansion of this still relatively young technology. This bill extends until November 2007 the current moratorium that prohibits States, or their political subdivisions, from taxing Internet access or imposing multiple or discriminatory taxes on electronic commerce. Both houses of Congress also compromised on the treatment of States who had been taxing Internet access even before 1998 when Congress passed the Internet Tax Freedom Act. The grandfathered status of those States to continue taxation of Internet access will be extended for 3 more years under S. 150. While I support the compromise we are voting on today because it accomplishes our intent to prohibit State and local taxation of Internet access in the interim, I still firmly believe that we should permanently prohibit State taxation of Internet access in the future. However, I do look forward to working with our State, county, and city leaders in the future to address the broader issue of taxation of goods and services over the Internet. Everyone recognizes that the Internet knows no borders, domestically or globally, and we should treat it as such by permanently prohibiting an estimated 30,000 different jurisdictions nationwide from imposing taxes on Internet access and stifling this innovative technology that has become not only a useful informational, educational, and recreational technology for most Americans but also an economical necessity for our business community.

Second, and more importantly for my purposes as the lead sponsor in the House of H.R. 4129, the "VoIP Regulatory Freedom Act of 2004," S. 150 as passed by the Senate contains a provision specifying that Voice-over-Internet-Protocol ("VoIP") services are not covered by the moratorium. That provision states:

SEC. 1108. EXCEPTION FOR VOICE SERVICES OVER THE INTERNET.

Nothing in this Act shall be construed to affect the imposition of tax on a charge for voice or similar service utilizing Internet Protocol or any successor protocol. This section shall not apply to any services that are incidental to Internet access, such as voice-capable e-mail or instant messaging.

While it has been misreported in the media and possibly misconstrued by others that this provision somehow specifically authorizes or requires the taxation of VoIP by States, nothing could be farther from the truth. This exception merely provides that the moratorium makes no inference as to the tax treatment of voice services provided over the Internet. Even Senator PATRICK LEAHY, Ranking Member of the Senate Judiciary Committee, has acknowledged the same when he stated during debate of S. 150 on the Senate floor on April 29, 2004, that "the McCain amendment [S. 150] . . . does not affect the emerging technology of Voice over Internet Protocol, VoIP." This provision does not authorize State and local governments to impose a tax on customers or require the collection of the tax by vendors. Nor does it provide that state and

local taxes currently apply to VoIP services. Whether these services meet the definition of taxable telecommunications or other services under state and local statutes is a question of law and will be determined at a future date by Congress.

VoIP services as transactions in electronic commerce should not be burdened by the multiple and discriminatory taxes that States and localities currently apply to telecommunications services. The Federal Communications Commission (FCC) has recently ruled that VoIP is inextricably interstate by its very nature and therefore States are specifically prevented from regulating the type of VoIP provided by Vonage Holdings Corporation. However, the FCC specifically expressed no opinion on the applicability of State general laws governing entities conducting business within the State, such as laws concerning taxation, to VoIP providers. The FCC's decision, however, has ensured an environment in which VoIP can develop, prosper and grow to provide more choices for consumers and a more competitive communications industry. The FCC's decision also has ensured a greater degree of market certainty, will encourage investment, will create jobs and will prevent a misguided approach to regulating VoIP. The drafters of S. 150 had the same intent and goals in mind. In the House, 61 members joined me in sending a letter to the FCC on October 5, 2004, calling on the Commission to rule that VoIP is an interstate application and thus subject to FCC jurisdiction. The letter, signed by a bipartisan majority of the House Energy and Commerce Committee, urged a ruling that VoIP is interstate in nature and subject to the Commission's exclusive jurisdiction.

I mention all this to make the point that, because S. 150 does not determine the taxable treatment of VoIP, the issue will be dealt with in the near future in Congress where I believe, based upon the facts and goals espoused above, that a majority of both houses will agree that taxation and regulation of VoIP, if any, should be left to the Federal Government. To avoid any confusion for the future, our approval of S. 150 today does not in any way imply any support for taxation of VoIP by the States or the Federal Government. The provision was merely inserted to clarify that the moratorium does not make a decision concerning the taxability of VoIP.

Again, thanks to all those involved in this great legislative accomplishment and I look forward to working with my colleagues here in Congress to address the issues of VoIP and taxation in the near future.

Mr. SMITH of Texas. Mr. Speaker, I support S. 150, the Internet Tax and Nondiscrimination Act.

This legislation would reinstate the moratorium on Internet access taxation and multiple or discriminatory taxes on electronic commerce for three years.

Internet commerce is still relatively new and has yet to reach its full potential. The imposition of taxes would threaten the future growth of e-commerce and would discourage companies from using the Internet to conduct business. Internet taxation would create regional and international barriers to global trade.

The Internet is also a major source of information and resources for many individuals and families. Taxes could make Internet access unaffordable for some Americans. Our goal should be to encourage and promote Internet access.

Americans should be able to access the Internet without being subject to state and local taxes.

□ 1230

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 150.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE BOY SCOUTS OF AMERICA FOR PUBLIC SERVICES PERFORMED ACROSS THE UNITED STATES

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 853) recognizing the Boy Scouts of America for the public service the organization performs for neighborhoods and communities across the United States.

The Clerk read as follows:

H. RES. 853

Whereas the Boy Scouts of America is one of the leading volunteer youth movements in the United States, serving more than 4,700,000 young people with the support of 1,200,000 volunteer adult leaders;

Whereas the Boy Scouts of America was incorporated on February 8, 1910, and recognized by Federal charter on June 15, 1916, to provide an educational program for youth to build character, train in the responsibilities of participatory citizenship, and develop personal fitness;

Whereas the Boy Scouts of America teaches the core values of duty to God and country, personal honor, respect for the beliefs of others, volunteerism, and the value of service and doing a "good turn" daily, principles which are conducive to good character, citizenship, and health; and

Whereas during the 95-year history of the Boy Scouts of America, the organization has partnered with the Salvation Army, Habitat for Humanity International, the American Red Cross, and thousands of other community and civic organizations to address critical issues facing communities in the United States, including the problems of hunger, inadequate housing, and poor health and youth obesity: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the Boy Scouts of America for the public service the organization performs for neighborhoods and communities across the United States; and

(2) commends the Boy Scouts of America for the Good Turn for America program and the work the organization has accomplished while partnering with the Salvation Army, Habitat for Humanity International, the American Red Cross, and thousands of other community and civic organizations across the United States to address critical issues facing communities in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms.

JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 853.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 853, recognizing the Boy Scouts of America for the public service the organization performs for neighborhoods and communities across the United States.

Despite the widespread respect the Boy Scouts of America have earned over their long history, the Boy Scouts have been and continue to be the targets of strident legal attacks simply because religious faith is part of the scouting program.

The purpose of the Boy Scouts of America, incorporated on February 8, 1910, and chartered by this Congress in 1916, is to provide an educational program for boys and young adults to build character, to train in the responsibilities of citizenship, and to develop personal fitness. The community-based organizations receive national charters they use to integrate the Scouting program into their own youth work.

These groups, which have goals compatible with those of the Boy Scouts of America, include religious, educational, civil, fraternal, business and labor organizations; governmental bodies; corporations; professional associations; and citizens' groups.

Several Presidents of the United States, including John F. Kennedy and Gerald R. Ford, have been ex-Scouts. Of the 108th Congress, 264 Members, nearly half the entire congressional membership, participated in Scouting. Membership in the Scouts since 1910 totals more than 110 million. As of December 31, 2003, the Boy Scouts of America included 3.2 million youth members and 1.2 million adult members.

The Scout Law sets forth 12 guiding principles, providing that a Scout is "trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent." With regard to the final principle, the Scout Law says, "A Scout is reverent. A Scout is reverent toward God. He is faithful in his religious duties. He respects the beliefs of others." All Boy Scouts must know and subscribe to the Scout Oath and Law, which embodies not only the ideals of Scouting but also those of our great Nation.

While many religious organizations charter Scouting units, Boy Scouts of America prohibits them from requiring

boys who belong to other denominations or faith to take part in or observe their religious ceremonies. Rather, the Boy Scouts of America encourages its youth members to practice their religious beliefs as directed by their parents and their spiritual advisors.

In *Boy Scouts of America vs. Dale*, the Supreme Court held that "during the time spent with the youth members, the scoutmasters and assistant scoutmasters inculcate them with the Boy Scouts' values, both expressly and by example. It seems indisputable that an association that seeks to transmit such a system of values engages in expressive activity."

Whenever the Boy Scouts are singled out for unfavorable treatment because of their viewpoint, very serious constitutional issues are raised. And this Congress will do everything in its power to uphold the Boy Scouts' constitutional rights.

Despite affirmation of the Scouts' first amendment right of expressive association by the Supreme Court in the *Dale* case, the Boy Scouts have been attacked on a variety of legal fronts.

In 1999 the American Civil Liberties Union filed suit against the United States Department of Defense, the United States Department of Housing and Urban Development, and the Chicago School Reform Board of Trustees claiming that governmental support of the Boy Scouts violates the establishments clause because the Boy Scouts require a belief in God as a condition of membership. This lawsuit seeks to remove virtually all government support of the Boy Scouts of America.

Additionally, though the Supreme Court affirmed the Scouts' freedom of expressive association in the context of setting membership standards, the Scouts have been excluded from participating in Connecticut's charitable giving program for choosing to express this right.

The Scouts are also under attack in the city of San Diego. For decades the Scouts have used San Diego park property pursuant to a lease agreement with the city. However, the use of this property is currently in jeopardy due to claims by activist groups that the Scouts' use of the property violates the establishment clause.

The Scouts have also had to fight for equal access to school facilities for after-hour use. Shortly after the Supreme Court's decision in *Dale*, the Broward County School Board in Florida unanimously voted to exclude the Boy Scouts of America from utilizing school facilities for after-school use simply because of the Boy Scouts' religious principles, even though, for many years prior to this, the local arm of the Scouts had enjoyed the after-hours use of many Broward school facilities and numerous other organizations continued to use the school facilities.

Throughout the history of the Boy Scouts of America, the Boy Scouts have provided services to others, gathering food and clothing for needy

neighbors, building playgrounds, repairing parks and public buildings, assisting fire and police departments, and aiding disaster victims. In the days following September 11, Boy Scouts across the country collected food and other necessities for the victims' family and rescue workers and helped to rally the patriotism of the country by handing out flags and holding candlelight vigils.

Practically every Member of this body, Mr. Speaker, has been invited and participated in Eagle Scout ceremonies. I have been at a number of them, and it is a recognition of the good kids in our society that in my opinion do not get enough recognition. But in order to become an Eagle, every Scout has to do some type of community service project. And if the Scout does not do that, the Scout does not attain the highest rank, which is Eagle status. And it would be a shame if the Boy Scouts ended up being sued to death and, thus, the communities that benefit from all of these Eagle projects, as well as the projects that Scouts of lower rank participate in, would not be available.

We need the Boy Scouts now more than ever. And this Congress will do whatever it takes to make sure their vital spirit continues to inspire and strengthen America and its youth. I rise today in support of House Resolution 853, and I will rise in support of future efforts to protect the Boy Scouts whenever they or any other organization face unfair discrimination.

Mr. Speaker, I reserve the balance of my time.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise as a Silver Beaver recipient and a member of the board of directors of the Houston-Galveston Boy Scouts of America. I also am a member of this body and recognize that there is diversity of opinion and thought and process and also in many instances the interpretation of the Constitution. But I rise today to recognize that we have the kind of embracing support for H. Res. 853 and recognizing the young men that engage in Boy Scout programs throughout America.

Let me first say that we in this country should be very proud that we have the kind of young people who are willing in their very young age to become a part of a civic organization that provides service. And so this resolution recognizes that service.

I would just offer to my colleagues the list of service activities, probably so many of them in your community that we see Boy Scouts engaged in. For example, "Habitat Fills in the Missing Pieces on Dallas Street," and this article shows Boy Scout Troop 1077 going about their activities and helping to rebuild communities, young men, if you will, that are not even voting age at this time.

Then when we have looked at the question of homeland security, we see another article suggesting something that I am very committed to, preparedness in our neighborhoods. Boy Scouts of America helped launch a national preparedness month, and they are here with Secretary of Homeland Security Tom Ridge because it is the Boy Scouts who understand preparedness and understand first aid and understand organizational skills that are very key and can be very key in helping us to secure our neighborhoods.

Of course, all of us have heard about aiding hurricane victims, and we have another release that talks about 200 Boy Scouts aiding Hurricane Charley victims. So we know that this is an opportunity for young people to learn not only their civic duty but to participate in it.

Let me share with you a personal story on the Boy Scouts. I think it is a program that has now taken some national wings, and that is what we call Urban Scouting. Some years ago in Houston we started this program with T-shirts and having youngsters from the inner city come and do Boy Scouts programs in the parks. That was the only place that they had; and unlike other units that had parents and maybe other kinds of facilities, we used paid Scouters, professionals, to help us with the Urban Scouting program. I am very proud to say that today it has in our community hundreds of members, maybe up to thousands of members, now with their uniforms; our programs are in our schools.

I would venture to say that we understand that there is a balance in expressing your constitutional right to be free from various church and State issues, but we also know that we must have a balance. So this resolution charges this Congress with having a balance. I would say that this program, the Good Turn for America program, is a key element of the work that we do with the Boy Scouts. Through the Good Turn for America program, thousands of young people have worked with organizations such as Habitat for Humanity, have worked to aid victims of Hurricane Charley, have volunteered to feed the poor, and have worked to become good citizens by serving their communities.

So it is appropriate, Mr. Speaker, that we join with our colleagues in recognizing the fact that the Boy Scouts do good work for us.

I will say that I welcome the Boy Scouts to Washington, D.C., or the region, and I welcome them for their annual jamboree. The reason why I say that is because sometimes we do take personal privilege and I want to acknowledge Wheeler Avenue Boy Scouts Troop in Houston, Texas, and thank them for allowing and helping my young man, Jason Lee, become the Eagle Scout that he is today. I thank them for allowing him to participate in the jamboree, and for those insiders, Philmont Camp in New Mexico.

This is a training process for the leaders of today and also for tomorrow. So I think it is important for us to join in this resolution and to commend the ideals of the Boy Scouts and of course the results of the Boy Scouts. I join with my neighbors and friends and my colleagues in commending the public spirited work of these young people throughout the Nation. There is no higher ideal than serving your community. By helping their neighbors they are making themselves better citizens. These young people deserve to be commended for their work.

Mr. Speaker, this resolution commends the Boy Scouts for their work in our communities through the "Good Turn for America" program.

Through the Good Turn for America program thousands of young people have worked with organizations such as Habitat for Humanity, have worked to aid victims of Hurricane Charley, have volunteered to feed the poor, and have worked to become good citizens by serving their communities.

I want to join my colleagues in commending the public spirited work of these young people throughout the Nation. There is no higher ideal than serving your community. By helping their neighbors, they are making themselves better citizens. These young people deserve to be commended for the good work.

200 BOY SCOUTS AID CHARLEY VICTIMS

On Saturday morning, August 21st, at 5 a.m. over 200 Boy Scouts in Palm Beach County departed from Boca Raton's Town Center Mall for Florida's devastated west to provide disaster relief services for the victims of Hurricane Charley. Boys and adults from nine troops drove 16 vehicles, including five trucks loaded with food and supplies to Arcadia to serve three meals to those left homeless by the storm.

The Boy Scout relief effort, organized by Tom Ehrbar II, a Boca Raton businessman and longtime Scouting supporter, carried contributions of food from Wholesum Bread, Johnsonville Bratwurst, Cheney Bros. Foods, and other local vendors to the Arcadia disaster area. The Boy Scouts served 1,000 breakfasts, 1,500 lunches, and over 1,500 dinners to the beleaguered residents of Arcadia. The Scouts also carried personal care items for distribution.

Once in Arcadia, the Boy Scouts assisted the local disaster relief personnel in whatever tasks needed attention: assisting in construction of temporary housing, providing logistical support, or communications, states Eagle Scout Thomas Ehrbar III, son of the project organizer. Weyerhouser has donated lumber supplies for that effort.

The Scouts kicked off Good Turn for America, a nationwide program of community service provided by the Boy Scouts for the communities they serve. Hurricane Charley arrived in Florida on the eve of that program kickoff.

[September 9, 2004]

BOY SCOUTS OF AMERICA HELP LAUNCH NATIONAL PREPAREDNESS MONTH

When the Department of Homeland Security wanted to send a message about the importance of "being prepared" at the launch of National Preparedness Month in Washington, DC, they turned to the Boy Scouts of America.

Eagle Scout Tucker Barbour of Troop 500, chartered to the Capitol Hill Scouts in Washington, DC, introduced Secretary of Homeland Security Tom Ridge at the kickoff event on the grounds of the United States Capitol.

Barbour was joined on stage by Scouts and leaders from the National Capital Area Council and representatives of the Girl Scouts.

The Boy Scouts of America is part of a coalition of organizations assembled by the Department of Homeland Security to promote September as National Preparedness Month. The emphasis is intended to provide Americans with a variety of opportunities to learn more about ways they can prepare for an emergency, get an emergency supply kit, establish a family communications plan, and become better aware of threats that may impact communities.

The event was attended by honorary National Preparedness Month co-chairs Senators Susan Collins (R-ME) and Joseph Lieberman (D-CT) and Representatives Christopher Cox (R-CA) and Jane Harman (D-CA), as well as American Red Cross President and CEO Marsha Evans and leaders of more than 80 other organizations to announce hundreds of events focused on preparedness across the country. Following the event, the Scouts distributed emergency preparedness kits to members of Congress.

To support National Preparedness Month, the Boy Scouts of America is encouraging Scouts and volunteers to focus on earning the Emergency Preparedness BSA Award. The award was developed at the request of the Department of Homeland Security and introduced in 2003.

HABITAT FILLS IN THE MISSING PIECES ON DALLAS STREET—VOLUNTEERS BUILD HOMES THAT DEVELOPER WAS UNABLE TO FINISH

(By Kim Homer)

The residents of Pinebrook Drive just watched their neighborhood go through a makeover.

And it took only nine days.

On Saturday, Habitat for Humanity volunteers finished building 22 new three-bedroom homes there on the short street near Bonnie View and Simpson Stuart roads on lots that had stood vacant for years.

Hundreds of volunteers planted flowers, installed mailboxes and put the last bricks on the attractive homes with front porches Saturday.

A developer ran out of money to finish building homes on Pinebrook Drive a few years ago. That left gaps of missing houses. Toney Lemons, who has lived on the street since 1974, said he didn't mind all the construction work and traffic—which police came to direct at times—since it was for a good cause.

"Everybody needs somewhere to stay," Mr. Lemons said, adding that he'll be happy as long as his new neighbors take care of their properties like he does.

Nora Hernandez, who will move in down the street, was so excited about her new place she couldn't eat the lunch provided for volunteers on Saturday.

"It's perfect," she said of the home. "It's beautiful."

The 31-year-old single mother will move her three young children from a cramped one-bedroom Arlington apartment to her new three-bedroom home in July.

Ms. Hernandez, who works as a packer in a Grand Prairie plastics factory, said she's thrilled to become a homeowner. She has looked into buying a house before but found she could not afford one.

"It's a big opportunity for families like mine," she said. Ms. Hernandez said her mortgage will be slightly less than her rent of \$485 a month. Her children, ages 8, 7 and 2, will be able to have separate bedrooms for the first time, she said.

Ms. Hernandez said she learned about the program from her friend and co-worker, Juanita Acosta. Ms. Hernandez told Ms. Acosta

that she was hosting a birthday party at her house for one of her children.

"I said, 'Where?'" said Ms. Acosta, who couldn't imagine her friend had enough room to host the celebration.

Now that Ms. Hernandez knows about Habitat for Humanity, she said she wants to return the favor by spreading the word about the program to others who may not realize they can apply.

Ms. Acosta, who lives in a Pleasant Grove house built by Habitat for Humanity, took a week's vacation to help build her friend's home. The two friends have been putting up walls, painting and sweeping as part of the "sweat equity" homeowners must contribute in exchange for no-interest, \$60,000 mortgages.

In all, about 3,500 volunteers pitched in during the building blitz. They came from 20 churches, 11 businesses and other organizations, including 300 AmeriCorps volunteers who traveled from throughout the nation.

Ronald Denham of Victoria, Texas, was one of the workers from AmeriCorps, which gives participants a small living allowance in exchange for community service.

"I believe there's a need and I'd wanted to do this for years," said Mr. Denham, 67, a retired court reporter.

Volunteers from Dallas-based Home Interiors and Gifts put a finishing touch of a wreath on each house on Saturday. The company sponsored one of five homes built by all-women crews as part of Habitat for Humanity's Women Building program.

"The home is a haven," said Carol Eichinger, the company's director of communications, who worked on the house. "But first you have to have a house to decorate."

Filling in 22 empty lots with new houses turned Pinebrook Drive into a whole new place for current and incoming residents, said Fred Hoster, director of development for Dallas Area Habitat for Humanity. Habitat built 19 homes on the street more than two years ago, so now the nonprofit organization has built a majority of the homes there.

Mr. Hoster said he expects private-for-profit homebuilders will expand on what Habitat started in that area. Then, he said, he hopes new stores and restaurants will follow in the neighborhood that lacks many retail businesses. Mr. Hoster said he's confident the surrounding area will have a new look in a few years.

"We build neighborhoods," he said. "All the neighbors already know each other because they've worked on each others' houses."

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ISSA), the author of this resolution.

Mr. ISSA. Mr. Speaker, I thank the chairman for bringing this important resolution to the floor in a timely fashion, and I say "timely" because an organization that on a bipartisan basis enjoys so much support to be under attack on a daily basis as we speak is an organization that needs our attention.

In 1916 when the Congress chartered the Boy Scouts, it did so in recognition of their contribution in their early days. But as we hear today that nearly or actually over half of the male Members of Congress are here today in no small part because of their participation in Boy Scouts, what we see is a ratio of success that comes from the

Boy Scouts, that comes from the kind of training they provide to both urban and rural America. That is what we are here to defend today.

This resolution is, as the chairman so aptly said, one step in a dedication that we have on a bipartisan basis to defend the Boy Scouts' ability to continue the fine work they have done for nearly a century.

As a San Diegoan I am acutely aware of just how easily outside organizations objecting to what the Boy Scouts stand for could lead to the end of Scouting as we know it.

□ 1245

So I want to, once again, thank the chairman for bringing this important resolution to the floor in this Congress. I have no doubt that we will take up these issues and more in the next Congress, but as a former Boy Scout, somebody who, if I owe anyone the "thank you for being here today," it was, in fact, for a Christian Arab young man to be in a Jewish Boy Scout troop, to be around the kind of openness and thinking that was available to me as a Scout, coming every week to an orthodox temple to understand the values of the world, not the values of Christianity, not the value of Judaism but the values of the world and the people of the world.

So, once again, Mr. Speaker, I urge the unanimous support of this resolution, and I ask all my colleagues to vote with the chairman, with myself, with the ranking member in favor of H. Res. 853.

Mr. Speaker, I rise today in support of House Resolution 853 which honors the Boy Scouts of America, for the public service the organization performs for neighborhoods and communities across the United States.

I would like to thank Chairman SENSENBRENNER, the Judiciary Committee staff, the Majority Leader and his staff for their hard work to bring this measure to the floor.

For 95 years, the Boy Scouts of America have made outstanding contributions to citizenship, service, and leadership.

The stated purpose of the Boy Scouts of America, incorporated on February 8, 1910, and chartered by Congress in 1916 is to provide an educational program for boys and young adults to build character, to train in the responsibilities of citizenship, and to develop personal fitness.

More than 50 percent of congressional members participated in Scouting either as a scout or a scout leader.

As I stand here today, the City of San Diego is facing litigation that would force the city to stop supporting the activities of the Boy Scouts and void a long-standing lease under which the Boy Scouts operate their headquarters in city-owned Balboa Park.

The Boy Scouts of America was founded on the premise of teaching boys moral and ethical values through an outdoor program that challenges them and teaches them respect for one another and themselves.

Scouting has always represented the best in community, leadership, and service.

The Boy Scouts of America relies on dedicated volunteers to promote its mission of preparing young people to make moral and ethical choice over their lifetime by instilling the values of the Scout Oath.

Mr. Speaker, this resolution is an expression of Congress' appreciation for Scouts, volunteer leaders, and employees of the Boy Scouts of America.

I ask my colleagues to join me in supporting this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is my great pleasure to yield 2 minutes to the distinguished gentleman from Illinois (Mr. DAVIS), someone who understands the importance of opportunities for young men and has been a leader on these issues.

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to join with the gentleman from Wisconsin (Chairman SENSENBRENNER); with the gentlewoman from Texas (Ms. JACKSON-LEE), the ranking member of the subcommittee; with the gentleman from California (Mr. ISSA), the sponsor of this legislation; and all of the others who have come to provide recognition of the public service that is performed by the Boy Scouts of America.

I can agree that there can be disagreements and there can be examination of practices, but the Boy Scouts of America have been one of the most prolific organizations in the development of boys into men that I know about in this country.

As one who served for 12 years as the scouting commissioner in my community, there was no sight one would rather see than 2- or 300 young boys at a blue and gold dinner or to see the 500 Scouts who used to participate in parades and other activities that we would put on.

So, in addition to the community service that they provide, I commend the Scouts for developing boys into men, and I am pleased to join in support of this resolution.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

(Mr. HAYWORTH asked and was given permission to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I thank my colleague, the chairman of the Committee on the Judiciary, for yielding me the time.

As an Eagle Scout, I rise in strong support of this resolution and am heartened by the bipartisan outpouring of support for the Boy Scouts of America, as mentioned earlier, a movement that was chartered federally by this very Congress early in the 20th century. While we today reiterate our support for the scouting movement, as my colleague from California, the sponsor of this resolution, noted, scouting is under attack.

The American Civil Liberties Union filed a nuisance lawsuit against the Pentagon saying that somehow sponsorship of Scout troops on military bases violates the doctrine of separation of church and State. Mr. Speaker,

that is a nuisance lawsuit, and I am sorry the Defense Department attorneys decided to surrender to the ACLU.

Mr. Speaker, I have written Secretary Rumsfeld asking him to countermand the decision of the Pentagon lawyers. Scouting values, military values, citizenship values, a respect and reverence for our Creator is not a violation of the doctrine of separation of church and State. So I hope those who join us in support of this resolution will likewise join us to say to the Pentagon attorneys, take down the white flag of surrender, do not give up on scouting, and we remain poised to take further measures to ensure that our government institutions follow the will of the people and the sentiment of the Congress.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise today in support of this resolution and support, of course, of the Boy Scouts of America.

As mentioned, they have had 90 years of history here helping young men, young boys build character and train them in the responsibility of participating in citizenship. The Boy Scouts teach these boys and young men that there is a higher good, something outside of themselves within each of them they should strive to achieve.

We have heard, for example, from the chairman of millions of American boys and young men who participate in the Boy Scouts, including Gerald Ford, Hank Aaron, Ross Perot, Jimmy Stewart, Neil Armstrong. They all have benefited tremendously from belonging to and participating in the Boy Scouts.

As such, it is altogether fitting that we recognize the Scouts for all the public service and all the charitable work they have done over the years.

But Congress also has a responsibility to defend the Boy Scouts from the relentless attacks on it from various government entities and interest groups. For example, the ACLU is suing to challenge the Federal Government's longstanding support for the Boy Scouts. Do my colleagues realize also the ACLU also currently sued for the right of a nudist camp for children to open?

Recently, the Department of Defense has agreed to no longer officially sponsor the Scouts on military bases. Why? Because the Scouts' oath mentions God. This is not the first time the Boy Scouts have come under attack for their oath or their membership policies, even though the Supreme Court and the American people are on the side of the Boy Scouts.

The ACLU has led the charge against the Scouts in States like Connecticut and cities like San Diego to defund this important organization, take away their campsites and treat them as though they are hate groups. This cam-

paign against the Scouts is truly wrong. It is about time we do something about it.

Mr. Speaker, I urge my colleagues to support this resolution and any other efforts to protect the Boy Scouts of America.

Ms. JACKSON-LEE. Mr. Speaker, I yield myself such time as I may consume.

I believe I have no further speakers, Mr. Speaker, and I would just simply say, let me add my appreciation and applause to the sponsor of this legislation, the gentleman from California (Mr. ISSA), but also to all of the volunteers and parents and community citizens, businesses that contribute to the Boy Scouts of America across the Nation.

As well, let me thank the Houston-Galveston Council on Boy Scouts in our community and as well maintain the fact of the valuable asset that Boy Scouts and their programs represent in the United States of America.

I ask for support.

Mr. SOUDER. Mr. Speaker, H. Res. 853 may be the most self-evident resolution this body has considered in the 108th Congress. It is a bill to recognize the good service of the Boy Scouts of America. One would think we might as well consider a resolution recognizing the good service of motherhood and apple pie.

But, Mr. Speaker, as we near the end of 2004 we have to come to understand that some Americans do not believe in the good works of the Boy Scouts of America. In fact, there are those who believe that the very existence of the Boy Scouts of America does not deserve recognition by the Federal Government.

Although such a disposition may appear to be shocking at first, it is the mind-bending logical conclusion of an effort that seeks to isolate groups like the Boy Scouts. The American Civil Liberties Union, ACLU, released the details of a legal settlement with the U.S. Department of Defense, DoD, this Tuesday, November 16, 2004. In this ongoing case, the ACLU has sued DoD and U.S. Department of Housing and Urban Development, HUD, for sponsoring the Boy Scouts of America, thus, in the opinion of the ACLU, breaching the Constitution's separation of church and state. While the settlement reached by the ACLU with DoD seems benign, the attack upon our country's cultural institutions cannot be ignored.

While purporting to defend Liberty, the ACLU and its allies promote an agenda that discriminates against religion and blocks the People from helping those who help others. You see, the Boy Scouts of America have the word "God" in their oath. While the Scout Oath also contains words like honor, moral, and country, the ACLU is concerned that religion is intruding upon the rights of the American people because Department of Defense employees have long worked with the Boy Scouts of America for community events.

Mr. Speaker, I serve as the chairman of the Criminal Justice, Drug Policy and Human Resources Subcommittee of the Committee on Government Reform. Through my subcommittee, the ranking member, ELIJAH CUMMINGS, and I have held eight hearings in the last 2 years on the provision of services by faith-based and community groups. In a field

hearing we held on January 23, 2004, in Los Angeles, CA, the subcommittee heard from a witness who explained the simple yet weighty impact the use of government property would be for groups like his. Keith Phillips is the founder and president of World Impact, a non-profit, faith-based organization "designed to transform the lives of the urban poor." For groups like Mr. Phillips', the use of buses for weekend trips can be the difference in helping the children of the urban poor. He suggested at our hearing that the Federal Government allow groups like his to use their buses on the weekend. He explained that government can help World Impact help other Americans, "Give us facilities where we can run clinics, thrift stores, recreational activities. Help us provide better transportation for the urban poor to camps, conferences and schools by giving us the use of government vehicles like buses on weekends."

Mr. Speaker, our Department of Defense, not to speak of other federal departments, operate hundreds, probably thousands of buses. The first legal step has been taken to prevent these buses from ever being used by the Boy Scouts or by groups like World Impact. I hope this House takes leaps toward helping groups like these. I hope this House takes steps to help DOD and other branches of the Federal Government help these people help their fellow Americans. I hope we stand up for the religious liberty of Americans against those who would discriminate against religiously oriented Americans.

I rise with my colleagues of the House in recognizing the good service of the Boy Scouts of America. Though H. Res. 853 would appear to be a simple resolution for this body to consider, I believe we are forced to defend the Boy Scouts and all other service organizations that would be falsely challenged in their service of other Americans. Let us unanimously pass H. Res. 853, and honor the ideals of the Scout Oath:

On my honor I will do my best
To do my duty to God and my country
and to obey the Scout Law;
To help other people at all times;
To keep myself physically strong,
mentally awake, and morally straight.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 853.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

THRIFT SAVINGS PLAN OPEN ELECTIONS ACT OF 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules

and pass the bill (H.R. 4324) to amend title 5, United States Code, to eliminate the provisions limiting certain election opportunities available to individuals participating in the Thrift Savings Plan, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELECTIONS FOR THRIFT SAVINGS PLAN CONTRIBUTIONS.

(a) SHORT TITLE.—This Act may be cited as the "Thrift Savings Plan Open Elections Act of 2004".

(b) IN GENERAL.—Section 8432(b)(1)(A) of title 5, United States Code, is amended—

(1) in the first sentence—

(A) by inserting "(i)" before "The Executive Director"; and

(B) by striking "shall be afforded a reasonable period every 6 months to elect to" and inserting "may";

(2) by striking the second sentence; and

(3) by adding at the end the following:

"(i) An election to make contributions under this paragraph—

"(I) may be made at any time;

"(II) shall take effect on the earliest date after the election that is administratively feasible; and

"(III) shall remain in effect until modified or terminated."

(c) CONTINUATION OF NOT MAKING IMMEDIATE AGENCY CONTRIBUTIONS.—Section 8432(b)(4)(C) of title 5, United States Code, is amended—

(1) by inserting "(i)" after "(C)"; and

(2) by adding at the end the following:

"(ii) Notwithstanding subparagraph (A) or (B), contributions under paragraphs (1) and (2) of subsection (c) shall not begin to be made with respect to an employee or Member described under paragraph (2)(A) or (B) until the date that such contributions would have begun to be made in accordance with this paragraph as administered on the date preceding the date of enactment of the Thrift Savings Plan Open Elections Act of 2004."

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CIVIL SERVICE RETIREMENT SYSTEM PARTICIPATION.—Section 8351(a)(2) of title 5, United States Code, is amended by striking "only during a period" and inserting "as".

(2) CONTRIBUTIONS BY PREVIOUSLY INELIGIBLE EMPLOYEES.—Section 8432(b)(2) of title 5, United States Code, is amended—

(A) in subparagraph (A), by striking "second period" and inserting "date";

(B) in subparagraph (C), by striking "second period" and inserting "date"; and

(C) in subparagraph (D) by striking "other than during a period afforded" and inserting "as provided".

(3) PROVISION OF INFORMATION.—Section 8439(c)(2) of title 5, United States Code, is amended by striking "at least 30 calendar days before the beginning of each election period under section 8432(b)(1)(A) of this title" and inserting "on a regular basis".

(4) JUSTICES AND JUDGES.—Section 8440a(a)(2) of title 5, United States Code, is amended by striking "only during a period" and inserting "as".

(5) BANKRUPTCY JUDGES AND MAGISTRATE JUDGES.—Section 8440b(a)(2) of title 5, United States Code, is amended by striking "only during a period" and inserting "as".

(6) COURT OF FEDERAL CLAIMS JUDGES.—Section 8440c(a)(2) of title 5, United States Code, is amended by striking "only during a period" and inserting "as".

(7) JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.—Section 8440d(a)(2) of title 5, United States Code, is amended by striking "only during a period" and inserting "as".

(8) MEMBERS OF THE UNIFORMED SERVICES.—Section 8440e(b)(2)(A) of title 5, United States Code, is amended—

(A) by striking "only during a period" and inserting "as"; and

(B) by striking all after section "8432(b)" and inserting a period.

SEC. 2. ENHANCING FINANCIAL LITERACY.

(a) IN GENERAL.—The Federal Retirement Thrift Investment Board (in this section referred to as the "Board") shall periodically evaluate whether the tools available to participants provide the information needed to understand, evaluate, and compare financial products, services, and opportunities offered through the Thrift Savings Plan. The Board shall use these evaluations to improve its existing education program for Thrift Savings Plan participants.

(b) REPORT ON FINANCIAL LITERACY EFFORTS.—The Board shall annually report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives on its Thrift Savings Plan education efforts on behalf of plan participants.

(c) STRATEGY.—As part of the retirement training offered by Office of Personnel Management under section 8350 of title 5, United States Code, the Office, in consultation with the Board, shall—

(1) not later than 6 months after the date of enactment of this Act, develop and implement a retirement financial literacy and education strategy for Federal employees that—

(A) shall educate Federal employees on the need for retirement savings and investment; and

(B) provide information related to how Federal employees can receive additional information on how to plan for retirement and calculate what their retirement investment should be in order to meet their retirement goals; and

(2) submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives on the strategy described under paragraph (1).

SEC. 3. TECHNICAL CORRECTIONS.

Subchapter III of chapter 84 of title 5, United States Code, is amended—

(1) in section 8433(d)(1), by striking "paragraph (3)" and inserting "paragraph (2)"; and

(2) in section 8440b(b)—

(A) in paragraph (2), by striking "bankruptcy judge's or magistrate's" and inserting "bankruptcy judge's or magistrate judge's"; and

(B) in paragraphs (4)(B) and (8), by striking "bankruptcy judge or magistrate" each place it appears and inserting "bankruptcy judge or magistrate judge".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4324.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 4324, a bill that eliminates the open season for employee contributions to the Thrift Savings Plan. This legislation was reported from the Committee on Government Reform by a voice vote on July 31, and I am pleased to see it considered by the whole House today.

Mr. Speaker, as my colleagues know, the TSP offers Federal employees the same retirement savings opportunities that private companies afford their employees under traditional 401(k) plans.

The TSP is the largest defined contribution retirement plan in the world, with nearly three and a half million participants and over \$143 billion in assets.

This legislation will allow TSP participants to make or modify their salary contributions at any time. Currently, Federal employees and members of the uniformed services who participate in the TSP are only provided two biannual periods to begin, adjust or end their contributions. This bill will give much-needed flexibility to participants of the Federal Government's retirement plan.

Every day, Federal employees across the Nation and around the globe perform critical duties to keep this Nation running smoothly.

Away from work, they experience all of life's events, births and deaths in the family, new homes, new jobs, salary adjustments and so on. With enactment of H.R. 4324, TSP participants can adopt their retirement savings to meet their changing circumstances.

Next year, I intend to offer additional legislation that will abolish the TSP open seasons entirely, but today, during the second open season after beginning Federal service, participants can earn matching funds up to 5 percent of their salary from their employing agencies. I believe allowing participants to secure these matching funds immediately is an important and deserved incentive for Federal employees to save. The Federal Retirement Thrift Investment Board, which administers the TSP, supports that change, and the Board supports H.R. 4324 as well.

The Committee on Government Reform, the committee of jurisdiction for Federal employee issues, was limited by budget constraints this Congress from moving a bill that would totally eliminate open seasons. Nevertheless, I am pleased to see H.R. 4324 advancing today.

I want to recognize the efforts of my distinguished counterpart in the other body, the gentlewoman from Maine, chairman of the Governmental Affairs Committee. She has worked very closely with me on today's bill to ensure that Federal employees will have the same retirement savings flexibilities enjoyed by many in the private sector.

Mr. Speaker, I reserve the balance of my time.

□ 1300

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Thrift Savings Plan, TSP, is a retirement savings and investment plan for Federal employees that is governed by the Federal Retirement Thrift Investment Board. The TSP has approximately 3 million participants. It is the largest retirement savings and investment program in the Nation.

H.R. 4324 would make two significant changes to the rules that govern participation in the TSP. First, it would allow Federal employees to alter their TSP contributions at any time instead of limiting such changes to biannual open-season periods.

Secondly, the bill would require the Federal Retirement Thrift Investment Board, the agency that administers the TSP, to evaluate and report on efforts to increase education programs for TSP participants.

Overall, H.R. 4324 would allow TSP enrollees to have more control over their investments and financial future. With better education initiatives, participants would be better informed when changing contributions to their TSP.

With these changes designed to be helpful to those who would participate, I am pleased to join the chairman, the gentleman from Virginia (Mr. TOM DAVIS), and the gentlewoman from Virginia (Mrs. JO ANN DAVIS) in supporting this legislation and urge its passage.

Mr. Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I urge my colleagues to support this important legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 4324, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend chapter 84 of title 5, United States Code, to provide for Federal employees to make elections to make, modify, and terminate contributions to the Thrift Savings Fund at any time, and for other purposes."

A motion to reconsider was laid on the table.

COMPREHENSIVE PEACE IN SUDAN ACT OF 2004

Mr. TANCREDO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2781) to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for com-

prehensive peace in Sudan, and for other purposes, as amended.

The Clerk read as follows:

S. 2781

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Peace in Sudan Act of 2004".

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) GOVERNMENT OF SUDAN.—The term "Government of Sudan" means the National Congress Party, formerly known as the National Islamic Front, government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of this Act (other than the coalition government agreed upon in the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004).

(3) JEM.—The term "JEM" means the Justice and Equality Movement.

(4) SLA.—The term "SLA" means the Sudan Liberation Army.

(5) SPLM.—The term "SPLM" means the Sudan People's Liberation Movement.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) A comprehensive peace agreement for Sudan, as envisioned in the Sudan Peace Act (50 U.S.C. 1701 note) and the Machakos Protocol of 2002, could be in jeopardy if the parties do not implement and honor the agreements they have signed.

(2) Since seizing power through a military coup in 1989, the Government of Sudan repeatedly has attacked and dislocated civilian populations in southern Sudan in a coordinated policy of ethnic cleansing and genocide that has cost the lives of more than 2,000,000 people and displaced more than 4,000,000 people.

(3) In response to two decades of civil conflict in Sudan, the United States has helped to establish an internationally supported peace process to promote a negotiated settlement to the war that has resulted in a framework peace agreement, the Nairobi Declaration on the Final Phase of Peace in the Sudan, signed on June 5, 2004.

(4) At the same time that the Government of Sudan was negotiating for a comprehensive and all inclusive peace agreement, enumerated in the Nairobi Declaration on the Final Phase of Peace in the Sudan, it refused to engage in any meaningful discussion with regard to its ongoing campaign of ethnic cleansing and genocide in the Darfur region of western Sudan.

(5) The Government of Sudan reluctantly agreed to attend talks to bring peace to the Darfur region only after considerable international pressure and outrage was expressed through high level visits by Secretary of State Colin Powell and others, and through United Nations Security Council Resolution 1556 (July 30, 2004).

(6) The Government of the United States, in both the executive branch and Congress, has concluded that genocide has been committed and may still be occurring in the Darfur region, and that the Government of Sudan and militias supported by the Government of Sudan, known as the Janjaweed, bear responsibility for the genocide.

(7) Evidence collected by international observers in the Darfur region between February 2003 and November 2004 indicate a coordinated effort to target African Sudanese

civilians in a scorched earth policy, similar to that which was employed in southern Sudan, that has destroyed African Sudanese villages, killing and driving away their people, while Arab Sudanese villages have been left unscathed.

(8) As a result of this genocidal policy in the Darfur region, an estimated 70,000 people have died, more than 1,600,000 people have been internally displaced, and more than 200,000 people have been forced to flee to neighboring Chad.

(9) Reports further indicate the systematic rape of thousands of women and girls, the abduction of women and children, and the destruction of hundreds of ethnically African villages, including the poisoning of their wells and the plunder of their crops and cattle upon which the people of such villages sustain themselves.

(10) Despite the threat of international action expressed through United Nations Security Council Resolutions 1556 (July 30, 2004) and 1564 (September 18, 2004), the Government of Sudan continues to obstruct and prevent efforts to reverse the catastrophic consequences that loom over the Darfur region.

(11) In addition to the thousands of violent deaths directly caused by ongoing Sudanese military and government-sponsored Janjaweed attacks in the Darfur region, the Government of Sudan has restricted access by humanitarian and human rights workers to the Darfur area through intimidation by military and security forces, and through bureaucratic and administrative obstruction, in an attempt to inflict the most devastating harm on those individuals displaced from their villages and homes without any means of sustenance or shelter.

(12) The Government of Sudan's continued support for the Janjaweed and their obstruction of the delivery of food, shelter, and medical care to the Darfur region is estimated by the World Health Organization to be causing up to 10,000 deaths per month and, should current conditions persist, is projected to escalate to thousands of deaths each day by December 2004.

(13) The Government of Chad served an important role in facilitating the humanitarian cease-fire (the N'Djamena Agreement dated April 8, 2004) for the Darfur region between the Government of Sudan and the two opposition rebel groups in the Darfur region (the JEM and the SLA), although both sides have violated the cease-fire agreement repeatedly.

(14) The people of Chad have responded courageously to the plight of over 200,000 Darfur refugees by providing assistance to them even though such assistance has adversely affected their own means of livelihood.

(15) On September 9, 2004, Secretary of State Colin Powell stated before the Committee on Foreign Relations of the Senate: "When we reviewed the evidence compiled by our team, along with other information available to the State Department, we concluded that genocide has been committed in Darfur and that the Government of Sudan and the [Janjaweed] bear responsibility—and genocide may still be occurring."

(16) The African Union has demonstrated renewed vigor in regional affairs through its willingness to respond to the crisis in the Darfur region, by convening talks between the parties and deploying several hundred monitors and security forces to the region, as well as by recognizing the need for a far larger force with a broader mandate.

(17) The Government of Sudan's complicity in the atrocities and genocide in the Darfur region raises fundamental questions about the Government of Sudan's commitment to peace and stability in Sudan.

SEC. 4. SENSE OF CONGRESS REGARDING THE CONFLICT IN DARFUR, SUDAN.

(a) SUDAN PEACE ACT.—It is the sense of Congress that the Sudan Peace Act (50 U.S.C. 1701 note) remains relevant and should be extended to include the Darfur region of Sudan.

(b) ACTIONS TO ADDRESS THE CONFLICT.—It is the sense of Congress that—

(1) a legitimate countrywide peace in Sudan will only be possible if those principles enumerated in the 1948 Universal Declaration of Human Rights, that are affirmed in the Machakos Protocol of 2002 and the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004, are applied to all of Sudan, including the Darfur region;

(2) the parties to the N'Djamena Agreement (the Government of Sudan, the JEM, and the SLA) must meet their obligations under that Agreement to allow safe and immediate delivery of all humanitarian assistance throughout the Darfur region and must expedite the conclusion of a political agreement to end the genocide and conflict in the Darfur region;

(3) the United States should continue to provide humanitarian assistance to the areas of Sudan to which the United States has access and, at the same time, implement a plan to provide assistance to the areas of Sudan to which access has been obstructed or denied;

(4) the international community, including African, Arab, and Muslim nations, should immediately provide resources necessary to save the lives of hundreds of thousands of individuals at risk as a result of the crisis in the Darfur region;

(5) the United States and the international community should—

(A) provide all necessary assistance to deploy and sustain an African Union Force to the Darfur region; and

(B) work to increase the authorized level and expand the mandate of such forces commensurate with the gravity and scope of the problem in a region the size of France;

(6) the President, acting through the Secretary of State and the Permanent Representative of the United States to the United Nations, should—

(A) condemn any failure on the part of the Government of Sudan to fulfill its obligations under United Nations Security Council Resolutions 1556 (July 30, 2004) and 1564 (September 18, 2004), and press the United Nations Security Council to respond to such failure by immediately imposing the penalties suggested in paragraph (14) of United Nations Security Council Resolution 1564;

(B) press the United Nations Security Council to pursue accountability for those individuals who are found responsible for orchestrating and carrying out the atrocities in the Darfur region, consistent with relevant United Nations Security Council Resolutions; and

(C) encourage member states of the United Nations to—

(i) cease to import Sudanese oil; and

(ii) take the following actions against Sudanese Government and military officials and other individuals, who are planning, carrying out, or otherwise involved in the policy of genocide in the Darfur region, as well as their families, and businesses controlled by the Government of Sudan and the National Congress Party:

(I) freeze the assets held by such individuals or businesses in each such member state; and

(II) restrict the entry or transit of such officials through each such member state;

(7) the President should impose targeted sanctions, including a ban on travel and the freezing of assets, on those officials of the

Government of Sudan, including military officials, and other individuals who have planned or carried out, or otherwise been involved in the policy of genocide in the Darfur region, and should also freeze the assets of businesses controlled by the Government of Sudan or the National Congress Party;

(8) the Government of the United States should not normalize relations with Sudan, including through the lifting of any sanctions, until the Government of Sudan agrees to, and takes demonstrable steps to implement, peace agreements for all areas of Sudan, including the Darfur region;

(9) those individuals found to be involved in the planning or carrying out of genocide, war crimes, or crimes against humanity should not hold leadership positions in the Government of Sudan or the coalition government established pursuant to the agreements reached in the Nairobi Declaration on the Final Phase of Peace in the Sudan; and

(10) the Government of Sudan has a primary responsibility to guarantee the safety and welfare of its citizens, which includes allowing them access to humanitarian assistance and providing them protection from violence.

SEC. 5. AMENDMENTS TO THE SUDAN PEACE ACT.

(a) ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.—

(1) IN GENERAL.—The Sudan Peace Act (50 U.S.C. 1701 note) is amended by adding at the end the following new section:

"SEC. 12. ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.

“(a) ASSISTANCE.—

“(1) AUTHORITY.—Notwithstanding any other provision of law, the President is authorized to provide assistance for Sudan as authorized in paragraph (5) of this section—

“(A) subject to the requirements of this section, to support the implementation of a comprehensive peace agreement that applies to all regions of Sudan, including the Darfur region; and

“(B) to address the humanitarian and human rights crisis in the Darfur region and eastern Chad, including to support the African Union mission in the Darfur region, provided that no assistance may be made available to the Government of Sudan.

“(2) CERTIFICATION FOR THE GOVERNMENT OF SUDAN.—Assistance authorized under paragraph (1)(A) may be provided to the Government of Sudan only if the President certifies to the appropriate congressional committees that the Government of Sudan has taken demonstrable steps to—

“(A) ensure that the armed forces of Sudan and any associated militias are not committing atrocities or obstructing human rights monitors or the provision of humanitarian assistance;

“(B) demobilize and disarm militias supported or created by the Government of Sudan;

“(C) allow full and unfettered humanitarian assistance to all regions of Sudan, including the Darfur region;

“(D) allow an international commission of inquiry to conduct an investigation of atrocities in the Darfur region, in a manner consistent with United Nations Security Council Resolution 1564 (September 18, 2004), to investigate reports of violations of international humanitarian law and human rights law in the Darfur region by all parties, to determine also whether or not acts of genocide have occurred and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable;

“(E) cooperate fully with the African Union, the United Nations, and all other observer, monitoring, and protection missions mandated to operate in Sudan;

“(F) permit the safe and voluntary return of displaced persons and refugees to their homes and rebuild the communities destroyed in the violence; and

“(G) implement the final agreements reached in the Naivasha peace process and install a new coalition government based on the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004.

“(3) CERTIFICATION WITH REGARD TO SPLM’S COMPLIANCE WITH A PEACE AGREEMENT.—If the President determines and certifies in writing to the appropriate congressional committees that the SPLM has not engaged in good faith negotiations, or has failed to honor the agreements signed, the President shall suspend assistance authorized in this section for the SPLM, except for health care, education, and humanitarian assistance.

“(4) SUSPENSION OF ASSISTANCE.—If, on a date after the President transmits the certification described in paragraph (2), the President determines that the Government of Sudan has ceased taking the actions described in such paragraph, the President shall immediately suspend the provision of any assistance to such Government under this section until the date on which the President transmits to the appropriate congressional committees a further certification that the Government of Sudan has resumed taking such actions.

“(5) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—In addition to any other funds otherwise available for such purposes, there are authorized to be appropriated to the President—

“(i) \$100,000,000 for fiscal year 2005, and such sums as may be necessary for each of the fiscal years 2006 and 2007, unless otherwise authorized, to carry out paragraph (1)(A); and

“(ii) \$200,000,000 for fiscal year 2005 to carry out paragraph (1)(B), provided that no amounts appropriated under this authorization may be made available for the Government of Sudan.

“(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended.

“(b) GOVERNMENT OF SUDAN DEFINED.—In this section, the term ‘Government of Sudan’ means the National Congress Party, formerly known as the National Islamic Front, government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of the Comprehensive Peace in Sudan Act (other than the coalition government agreed upon in the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004).”

(2) CONFORMING AMENDMENTS.—Section 3 of such Act (50 U.S.C. 1701 note) is amended—

(A) in paragraph (2), by striking “The” and inserting “Except as provided in section 12, the”; and

(B) by adding at the end the following new paragraph:

“(4) SPLM.—The term ‘SPLM’ means the Sudan People’s Liberation Movement.”

(b) REPORTING AMENDMENT.—The Sudan Peace Act (50 U.S.C. 1701 note) is amended by striking section 8 and inserting the following:

“SEC. 8. REPORTING REQUIREMENTS.

“(a) REPORT ON COMMERCIAL ACTIVITY.—Not later than 30 days after the date of the enactment of the Comprehensive Peace in Sudan Act of 2004, and annually thereafter until the completion of the interim period outlined in the Machakos Protocol of 2002, the Secretary of State, in consultation with relevant United States Government departments and agencies, shall submit to the appropriate congressional committees a report regarding commercial activity in Sudan that includes—

“(1) a description of the sources and current status of Sudan’s financing and construction of infrastructure and pipelines for oil exploitation, the effects of such financing and construction on the inhabitants of the regions in which the oil fields are located and the ability of the Government of Sudan to finance the war in Sudan with the proceeds of the oil exploitation;

“(2) a description of the extent to which that financing was secured in the United States or with the involvement of United States citizens; and

“(3) a description of the relationships between Sudan’s arms industry and major foreign business enterprises and their subsidiaries, including government-controlled entities.

“(b) REPORT ON THE CONFLICT IN SUDAN, INCLUDING THE DARFUR REGION.—Not later than 30 days after the date of the enactment of the Comprehensive Peace in Sudan Act of 2004, and annually thereafter until the completion of the interim period outlined in the Machakos Protocol of 2002, the Secretary of State shall prepare and submit to the appropriate congressional committees a report regarding the conflict in Sudan, including the conflict in the Darfur region. Such report shall include—

“(1) the best estimates of the extent of aerial bombardment of civilian centers in Sudan by the Government of Sudan, including targets, frequency, and best estimates of damage; and

“(2) a description of the extent to which humanitarian relief in Sudan has been obstructed or manipulated by the Government of Sudan or other forces, and a contingency plan to distribute assistance should the Government of Sudan continue to obstruct or delay the international humanitarian response to the crisis in Darfur.

“(c) DISCLOSURE TO THE PUBLIC.—The Secretary of State shall publish or otherwise make available to the public each unclassified report, or portion of a report that is unclassified, submitted under subsection (a) or (b).”

SEC. 6. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

(a) SANCTIONS.—Beginning on the date that is 30 days after the date of enactment of this Act, the President shall, notwithstanding paragraph (1) of section 6(b) of the Sudan Peace Act (50 U.S.C. 1701 note), implement the measures set forth in subparagraphs (A) through (D) of paragraph (2) of such section.

(b) BLOCKING OF ASSETS.—Beginning on the date that is 30 days after the date of enactment of this Act, the President shall, consistent with the authorities granted in the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block the assets of appropriate senior officials of the Government of Sudan.

(c) WAIVER.—The President may waive the application of subsection (a) or (b) if the President determines and certifies to the appropriate congressional committees that such a waiver is in the national interest of the United States.

(d) CONTINUATION OF RESTRICTIONS.—Restrictions against the Government of Sudan that were imposed pursuant to title III and sections 508, 512, and 527 of the Foreign Operations, Export Financing, and Related Programs Act, 2004 (division D of Public Law 108-199; 118 Stat. 143), or any other similar provision of law, shall remain in effect against the Government of Sudan and may not be lifted pursuant to such provisions of law unless the President transmits a certification to the appropriate congressional committees in accordance with paragraph (2) of section 12(a) of the Sudan Peace Act (as added by section 5(a)(1) of this Act).

(e) DETERMINATION.—Notwithstanding subsection (a) of this section, the President

shall continue to transmit the determination required under section 6(b)(1)(A) of the Sudan Peace Act (50 U.S.C. 1701 note).

SEC. 7. ADDITIONAL AUTHORITIES.

Notwithstanding any other provision of law, the President is authorized to provide assistance, other than military assistance, to areas that were outside of the control of the Government of Sudan on April 8, 2004, including to provide assistance for emergency relief, development and governance, or to implement any program in support of any viable peace agreement at the local, regional, or national level in Sudan.

SEC. 8. TECHNICAL CORRECTION.

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f-2) is amended by striking “Organization of African Unity” and inserting “African Union”.

The SPEAKER pro tempore (Mr. BASS). Pursuant to the rule, the gentleman from Colorado (Mr. TANCREDI) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDI).

GENERAL LEAVE

Mr. TANCREDI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 2781, as amended, the Senate bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. TANCREDI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2781, as amended, imposes some punitive measures listed in the Sudan Peace Act after a 30-day period. The bill also imposes an asset freeze on senior Sudanese officials and calls upon the President to impose a travel ban on senior Sudanese officials, including those responsible for planning and carrying out the genocide in Darfur.

To guarantee a wider international response to the genocide in Darfur, S. 2781, as amended, includes instructions for the U.S. Permanent Representative to the United Nations to urge the Security Council and member states to pursue accountability for those complicit in the genocide in Darfur and to impose targeted sanctions, including the freezing of assets on senior members of the Government of Sudan, and to cease importing Sudanese oil.

The bill also provides humanitarian assistance to Darfur and Eastern Chad, funding to support the African Union mission in Darfur, and assistance in preparing the population for peace. This will give material indication to the Sudanese civilians that they can find meaning and purpose in rebuilding their country after decades of war.

Mr. Speaker, we are beyond the point of threatening the Government of Sudan with punitive measures. Time and again certainly I have been on this floor and many other Members have been on this floor expressing our concern over the situation in Sudan and the intransigence of the Sudanese government to operate in good faith and to

bring an end to the human tragedy on a scale that is almost unimaginable and for which they are greatly responsible. Time and again our efforts have been rebuffed. Time and again we have been forced to go to the next step in order to get the Sudanese government to respond.

Genocide has been and is being committed, we know. We have said it. We now need to show that there are consequences for directing and/or participating in a campaign to destroy human life on such a massive scale. Every evening on the news, every day in the papers of this country we see the picture of this horrible, horrible situation in Sudan and the faces of the people who are suffering. How long can this go on? How long can this go on without this government paying even closer attention than it has? How long can this go on without the world paying closer attention than it has?

To the credit of this administration and to this government, we have done more than any other country to try and focus world attention on the problems in Sudan, but we need the world to cooperate. We need the United Nations, we need the Security Council to do far more than they have done. We need the European Union to do more. We have a moral responsibility to respond to genocide.

What we do at this juncture has implications for every conflict we will address in the future. Everyone is watching to see how we respond. Secretary Powell and the U.S. administration have taken a courageous stand, as I say, but this is just the beginning. If we fail to act forcefully now, it will be open season for genocide. If we make empty threats, it will have serious consequences for the future of international peace and security.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this bill.

First, I would like to thank my colleagues, the gentleman from Colorado (Mr. TANCREDI) and the gentleman from New Jersey (Mr. PAYNE), for keeping this House focused on the grave atrocities in Darfur.

Mr. Speaker, we are facing an ongoing genocide in Darfur. This House has said it; following our example the Senate has said it; the administration has come to the same conclusion; and the United Nations agrees: genocide is taking place in Darfur.

What is keeping the international community from intervening in the Darfur crisis? I hesitate to ask because I hate to think that the answer is the same double standard that stayed our hand in Rwanda in the 1990s.

Mr. Speaker, each of us has recounted the numbers in connection with the crisis in Darfur: an estimated 300,000 dead because of murder, starvation and disease, and 2 million refugees forced to flee their homes, most of whom are internally displaced, while others are forced out of the country.

The humanitarian needs in Darfur are staggering. After a year of international pressure, there are now about 60 international humanitarian organizations registered to operate in Darfur, and I strongly support more such aid to ease the suffering. But while these NGOs set up their operations to reach some of those in need, thousands are still without any relief due to the ongoing conflict.

The Sudanese military forces and its armed Arab militia, who I remind my colleagues are behind this tragedy in the first place, continue to commit some of the most heinous human rights abuses imaginable, and the number of those affected by this conflict continues to grow every day.

Mr. Speaker, recently the African Union has stepped forward with monitors and 3,500 troops to end the persecution in Darfur, and Sudan has agreed to an increase in African Union deployment. But now it is being reported that Khartoum has repeatedly refused to give fuel to the African Union monitors while the government's attack helicopters are in the air assaulting civilians on the ground.

While the African Union is committed to fulfilling its obligation to monitor and to report on human rights violations, it is hampered by all sides to the conflict not wishing to be implicated in the abuse. According to reports, the morale among African Union troops is very low because they are blocked at every turn by the ongoing violence and their inability to intervene.

In response to calls for international civilian protection forces, Khartoum's leaders have threatened to open, and I quote, "the five gates of hell," against such protection. And in a cynical attempt to pretend it is taking action to protect civilians, Khartoum has recycled Arab militia killers into the Sudanese police force and has assigned them to guard camps for the displaced.

I am a strong supporter of African solutions for Africa's problems, and the deployment of African Union monitors and the protection force in Darfur is an opening sign that in the face of genocide, civilian protection should trump national sovereignty. But I am very much concerned that the African Union does not have the experience, the manpower, or the resources needed to provide civilian protection to end the genocide in Darfur. Their numbers are small compared to the task, and their resources are minimal.

Mr. Speaker, it troubles me that in the face of genocide we do not take the best asset we have available, NATO, the North Atlantic Treaty Organization, long experienced in civilian protection, to deploy its forces in Darfur in support of the African Union mission. In the face of genocide, I think it is imperative that our NATO ambassador move at the North Atlantic Council demanding that NATO get involved in Darfur to protect civilians from genocide.

While I recognize this is a tall order, when we were confronted with the crisis in Kosovo, NATO acted. We should expect nothing less for the African victims of genocide in Darfur. If we in the international community have the determination to end this genocide, that is what we must do. Otherwise, we have cause to wonder what exactly we harbor in our hearts toward the people of Darfur.

In closing, I urge all of my colleagues to support S. 2781.

Mr. Speaker, I reserve the balance of my time.

□ 1315

Mr. TANCREDI. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF) who has been laboring in this vineyard longer than I, longer than most, and who adds an aspect of both compassion and articulation that is desperately needed on this issue.

Mr. WOLF. Mr. Speaker, I thank the gentleman from Colorado (Mr. TANCREDI) and his staff for this bill. I also thank the gentleman from New Jersey (Mr. PAYNE) for his efforts, the gentleman from California (Mr. LANTOS), the gentleman from California (Mr. ROYCE), Senator BROWNBACK, and many others that have been involved in this. Also, all of the NGOs, Andrew Natsios, Roger Winter, and all of the people who have been involved and very caring with regard to this issue.

As we pass this bill today, we have to remember the 2.1 million people that have died in the war north-south, mostly Christian but a large number of Muslim and a large number of animists who have paid a tremendous price.

Also, we have to remember that Osama bin Laden lived in Sudan from 1991 to 1996, so these people in the south have been on the front line in fighting the war against terrorism more than most people realize.

By passing this bill, we send hope to the men, women and children in Darfur who have been pushed out of African villages which have been burned, husbands who have been killed, women who have been raped and children who have been abducted. As we pass this bill today, we honor and recognize and send some hope to those in the IVP camps today that the United States Congress cares.

I am going to leave it to other Members to explain what this bill does and just say that, without this bill passing today, there would be no hope for women in the camps, no sense or sign to the people in the Khartoum government for all of the bad and evil things that they have done but for the efforts of the gentleman from Colorado (Mr. TANCREDI), who has been involved in this for so long, and the gentleman from California (Mr. ROYCE).

Secretary Powell also deserves to take some credit for this, as does President Bush. I thank both sides of the aisle for the great work they have done.

By passing this, it gives hope if there is an agreement signed and something positive comes out of Nairobi, Kenya, there is some lasting push behind it so there can be peace someday for the people in the north, in the area of Khartoum, and in the south, and also for the men, women and children in the Darfur region.

Mr. TANCREDI. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE), the chairman of the Subcommittee on Africa, who has been enormously helpful in bringing this bill to the floor today.

Mr. ROYCE. Mr. Speaker, I thank the gentleman for yielding me this time.

I just want to indicate the sheer magnitude of the horror of what is unfolding in Sudan as we speak. Because what is occurring there is a scorched-earth policy that has killed in excess of 70,000 people, that has displaced more than a million of people within Sudan, and forced hundreds of thousands of people over the border into Chad.

When we think of the magnitude of the several hundreds villages burnt to the ground, the irrigation systems that have been systematically destroyed, that the government-backed militias, referred to as Janjaweed, are committing wide-spread rapes and atrocities, that the very people in the NGO communities, the very charitable organizations that are attempting to get in on the ground and to assist in this region are prevented access to those starving, I think when we reflect on what we know we can only imagine as to the extent of the horror in those villages in which we have no access, and to have had the United States, to have this Congress and the administration explain that this is genocide is only a first step.

The question has been how do we get the international community to take action, a concerted action, in order to effectively apply pressure on the government in Khartoum to reverse its actions in supporting the Janjaweed. We have made it clear that we are going to support international criminal courts, we are going to support bringing to justice those that have been found to be involved in this process. But, in the meantime, there is the question of how we negotiate with a United Nations in which that body and the Security Council is not willing to take the steps that the United States has taken to call this genocide, nor to put the types of embargoes that the United States has placed on Sudan. They are not willing to go as far.

In addition to speaking in favor of this resolution, I wanted to speak for just a moment about some of my concerns about the United Nations Security Council resolutions on Sudan. That draft resolution is dated November 18. This resolution is expected to be offered in Nairobi, Kenya. It addresses the issue of the ongoing negotiation, of an attempt to achieve peace in a separate conflict in southern Sudan.

Again, this Congress went on record declaring the killing in Darfur as genocide. This was a historic determination not to be taken lightly. It was a fitting response to the atrocities committed by the Sudanese government and their proxy forces.

For those of us on the floor today, we believe that genocide requires exceptional responses by the United States and the international community. We also believe that these responses should be taken with or without the concurrence by the government of Sudan. So when we look at the draft resolution that the United Nations is working on, we see that they urge bilateral and multilateral donors "to continue their efforts to prepare for the rapid delivery of an assistance package for the reconstruction and economic development of Sudan, including official development assistance, possible debt relief and trade access to be implemented once a comprehensive peace agreement has been signed and its implementation begins." This document expresses hope that this implementation will occur by the end of next month.

Let me just say, as chairman of the Subcommittee on Africa, we should not support such a so-called peace dividend which benefits the government of Sudan merely for signing a peace agreement. We should not be doing that while killing rages in Darfur.

Numerous agreements, including memorandums of intent to sign future agreements, already have been signed, and countless deadlines have long since passed. Rewarding the government of Sudan for just the act of signing another agreement without setting concrete and verifiable benchmarks for implementation would be both foolhardy and unacceptable.

I realize that the administration is operating within the constraints of the Security Council and that the United States has been the leading and most aggressive country in trying to resolve the crisis in Sudan, and I understand that any Security Council resolution is a consensus document. But, nevertheless, those of us involved in policy on the Sudan ask the U.N. to reconsider, to reconsider whether the price of consensus is in this instance too high, and we ask the United Nations Security Council to redouble its efforts to put pressure on the government in Khartoum to end the killing in Darfur and to bring whatever powers we can to that end.

I am heartened by the offer by the African Union, by the Nigerian and the Rwandan troops, to go in on the ground to try to defend the people of Darfur. I would suggest that we ask the Security Council and the African Union to expand that mission and allow them to more aggressively pursue that defense and at the same time we continue our efforts with the heavy-lift capability and our efforts to get that force in place to defend these victims of genocide.

Mr. Speaker, I thank again the author of this resolution.

Mr. LANTOS. Mr. Speaker, I yield 5½ minutes to the gentleman from Oregon (Mr. BLUMENAUER), my good friend, a distinguished member of the Committee on International Relations and a tireless fighter for human rights.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman yielding me this time, and I applaud the sponsors, the gentleman from Colorado (Mr. TANCREDI), the distinguished chairman of the Subcommittee on Africa, the gentleman from California (Mr. ROYCE), and the gentleman from New Jersey (Mr. PAYNE) for bringing this forward.

In a sense, it is bittersweet that we have to do this because of the continuing crisis in Sudan, but the fact is that this Congress has been moving forward and shining the spotlight. This is another step towards making a difference, helping provide safe haven for hundreds of thousands of innocent people. As the world proceeds with words of concern, the people of Darfur continue to suffer at the hands of the Sudanese government and their militia allies because good words are not a sufficient substitute for appropriate action.

I appreciate the commitment we have here in Congress to do something, to take action. I view this resolution as the next step in moving us along that path.

It authorizes desperately needed humanitarian aid for over 1.5 million people forced from their homes. It includes both a carrot and a stick. It gives aid to Sudan if the government finishes the north-south peace process, begins to protect civilians and disarm the militia, and provides for sanction against senior government officials if they do not. Time will tell whether or not we have hit the right balance.

I appreciate the gentleman from California (Mr. ROYCE) talking about the role of the United Nations and the work we need to do there. It is an important issue for us as Members of Congress, because this is one of the areas, frankly, that I felt even in the fall when there was a lot of partisan passions, there were legitimate disagreements on areas of policy from Members, but this is an area where our shared values as Americans were more important than any partisan differences.

I remember the evening of our last resolution where Members came together in this Chamber, and it made me feel that maybe we would be able to take that step forward. I appreciate this resolution as being a part of the process, but I would offer the question for my colleagues if maybe we might take another small step. I have been in consultation with some of my colleagues like the gentleman from New Jersey (Mr. PAYNE), the gentleman from California (Mr. ROYCE) and others, about whether or not we might resolve as a Congress that in the next

session we would make a priority to take one small step, that each Member in the 109th Congress be able to visit the Sudan, to be able to spend a night on the ground in Darfur, and as we leave that country to stop off in Khartoum and let the government of Sudan know that their behavior is reprehensible and the spotlight of the world is trained upon them.

□ 1330

If we as Members go to our leadership in the spirit of bipartisan cooperation that this resolution has been authored, with the leadership of our International Relations Committee, and ask that the leadership, the Speaker, the minority leader, the majority leader, join with us in making sure that there are a series of CODELs over the next 2 years, I would respectfully suggest that there is no man or woman that serves in this Chamber that cannot find 4 days out of their lives in the next 2 years that could result in the saving of tens of thousands of lives.

I have received feedback from people in the NGO community that are doing outstanding work; they say if every Member of Congress would go to the Sudan over the next 2 years, that it would have a transformational effect, even if we had only 50 or 60 of our colleagues. So by all means, approve this resolution, stand, speak out, move forward; but I would ask that my colleagues join me in making a visit on the ground to be a priority for us all. This small gesture can save tens of thousands of lives.

Mr. TANCREDO. Mr. Speaker, I submit for printing in the CONGRESSIONAL RECORD an exchange of letters between Chairman HYDE and Chairman THOMAS.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, November 18, 2004.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations,
Rayburn House Office Building,
Washington, DC.

DEAR CHAIRMAN HYDE: I am writing concerning S. 2781, the Comprehensive Peace in Sudan Act.

As you know, the Committee on Ways and Means has jurisdiction over revenue matters, including any legislation relating to imports. There are two provisions within the bill that may relate to imports and thus fall within the jurisdiction of the Committee on Ways and Means. Section 4(b)(8) expresses the Sense of Congress that "the Government of the United States should not normalize relations with Sudan, including through the lifting of any sanctions, until the Government of Sudan agrees to, and takes demonstrable steps to implement, peace agreements for all areas of Sudan." Section 6(a) requires the President to impose certain sanctions outlined in the Sudan Peace Act (P.L. 107-245), including the requirement to "take all necessary and appropriate steps, including through multilateral efforts, to deny the Government of Sudan access to oil revenues," which could be interpreted to direct the President to impose an import ban on oil.

However, in order to expedite this legislation for floor consideration, the Committee will forego action on this bill. This is being done with the understanding that it does not

in any way prejudice the Committee with respect to exercising its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to S. 2781, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

COMMITTEE ON INTERNATIONAL RELATIONS,
HOUSE OF REPRESENTATIVES,

Washington, DC, November 18, 2004.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means,
Longworth House Office Building,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning S. 2781, the Comprehensive Peace in Sudan Act.

Clearly, under House Rule X, the Committee on Ways and Means has jurisdiction over revenue matters, including any legislation relating to imports. I concur with your assessment of the matters in S. 2781 which fall within the jurisdiction of the Committee on Ways and Means. Section 4(b)(8) expresses the Senate of Congress that "the Government of the United States should not normalize relations with Sudan, including through the lifting of any sanctions, until the Government of Sudan agrees to, and takes demonstrable steps to, implement peace agreements for all areas of Sudan." Section 6(a) requires the President to impose certain sanctions outlined in the Sudan Peace Act (P.L. 107-245), including the requirement to "take all necessary and appropriate steps, including through multilateral efforts, to deny the Government of Sudan access to oil revenues," which could be interpreted to direct the President to impose an import ban on oil.

I appreciate your willingness to permit this important bill to proceed to the floor without the necessity of your Committee formally considering it. I understand that it does not in any way prejudice the Committee with respect to exercising its jurisdictional prerogatives on this or similar legislation.

As you have requested, I will ensure that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Sincerely,

HENRY J. HYDE,
Chairman.

Mr. TANCREDO. Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to my good friend, the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the Comprehensive Peace in Sudan Act. Despite the increase in world attention toward Sudan in the past months, the genocide in Darfur has continued without any serious attempt by the Sudanese government to do what governments primarily exist to do, protect their citizens. Instead, Khartoum has been complicit in propagating the brutal acts of violence committed by the Janjaweed, has failed to disarm these Arab militias, and has hindered the delivery of humanitarian aid to Darfurians in dire need.

Congress has spoken out and acted several times to address this crisis, and

I commend this body for its aggressiveness on this issue and for contributing more funds for humanitarian assistance than any other country. However, we have a moral obligation to do more. As the gentleman from California (Mr. LANTOS) has said, we must continue to set an example for the rest of the world. The punitive measures contained in this bill need the cooperation of the world in order to truly succeed in putting pressure on the Sudanese government.

I urge my colleagues to support this bill. I note that the genocide in Darfur cannot be addressed without seeing it in the context of Sudan's other tragic conflicts: the 21-year North-South civil war, and Sudan's support for LRA bases on Sudan's border with northern Uganda. We should remain careful to address all of these conflicts comprehensively, for none of them persists in a vacuum.

I also support the gentleman from California's call for NATO to get involved in addressing this most serious humanitarian crisis. The Khartoum regime will do what it must to survive. In 1995, sanctions led Sudan to cut its ties with terrorists and expel Osama bin Laden. The international community should take the same forceful action now to save hundreds of thousands of lives. If the world has learned anything from the horrific tragedy of Rwanda and all previous genocides, we must not commit the same mistake again.

Mr. LANTOS. Mr. Speaker, I am delighted to yield the balance of my time to the gentleman from New Jersey (Mr. PAYNE), the distinguished ranking member of the Subcommittee on Africa of the Committee on International Relations who has been our leader on all matters relating to that important continent.

Mr. TANCREDO. Mr. Speaker, I yield 2 additional minutes to the gentleman from New Jersey (Mr. PAYNE).

(Mr. PAYNE asked and was given permission to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, I rise today in strong support of S. 2781, the Comprehensive Peace in Sudan Act. The bill is a result of weeks of negotiations between House and Senate cosponsors. First of all, this would have been impossible without the cooperation of the leadership of both the House and the Senate, and I would certainly like to commend the gentleman from Illinois (Mr. HYDE), the chairman of the committee, who has not said no to any request that we have made as relates to Sudan. There could not have been any more cooperation from a chairman of a committee in such a bipartisan manner than we have seen from the gentleman from Illinois. I would certainly like to commend him at this time.

Of course, the driving interest and support from the gentleman from California (Mr. LANTOS) who saw the effects of genocide decades ago when the

Holocaust was going on and the world looked the other way. His passion for issues that are right certainly shows clearly in his overwhelming support for action against the Government of Sudan and alleviating the situation of the people of Sudan.

Let me thank Senator BIDEN and, of course, our chair of the Subcommittee on Africa whose tireless effort has also been extraordinary in bipartisanship. I think that if the Congress could put a prototype of the Subcommittee on Africa and then see if it could spread towards the total Congress, much more positive legislation would be passed. And so I commend the gentleman from Orange County, the chairman of our subcommittee, and also the gentleman from Colorado (Mr. TANCRED0) who has been a real asset to our work. His first CODEL was a trip to southern Sudan. And so the gentleman from California (Mr. ROYCE), the gentleman from Colorado (Mr. TANCRED0), and the gentleman from California (Mr. ROYCE) who even before any of us came was fighting the fight and he continues to fight the good fight.

The world has witnessed genocide before but never as we have seen it again here before in Darfur, but the difference is we have declared genocide and that is something that the world has not done before. The world usually watched, said it is terrible, that sort of something should be done, and after it has been done, maybe a decade or two later, will do a study. And after the study is concluded, they will say indeed genocide occurred. The fact that in 1948 the world body said that there should be a law, there should be a responsibility to step in to prevent genocide, but it has not happened 10 years after Rwanda.

A film is coming out now that I wish everyone would be able to see about a person who saved 1,200 lives at the Mille Collines Hotel, where he simply kept 1,200 people, Tutsis and moderate Hutus, alive. And so as we see what has happened before, it is so important that we have stepped up, but to declare it is not enough. We see the brutal killings and unnecessary deaths due to cholera, diarrhea, and starvation.

We know the facts. Over 70,000 innocent men, women and children have been killed in this genocide conceived, sponsored, and carried out by the Government of Sudan. Government troops and the Janjaweed militias they have recruited and armed have internally displaced close to 1.6 million people and forced 200,000 people into Chad. They have raped countless women and children. What kind of world are we living in today in the new millennium where this can occur while the international community still looks on and debates the issue?

S. 2781 is our response to genocide, and it contains asset freezes on government officials as well as travel bans. It provides \$200 million in fiscal year 2005 to the Darfur humanitarian relief and the African Union mission as well as

\$100 million to development in the southern Sudan. It says to the Government of Sudan that the United States is watching and will punish them for this genocide, despite any agreement that they may reach with the SPLM.

Let us not get ourselves confused. For 40 years the North and South have been at war and finally the Sudanese government has agreed to now another 30 or 45 days. They were supposed to sign it with the Security Council being in Nairobi, Kenya, but they said, well, give us until December 31. But let us not make any mistake about the fact that if the North-South agreement goes on, that we cannot turn a blind eye and give concessions to the Government of Sudan as they continue genocide in the West. We will not stand for that. It is unacceptable.

It is unconscionable that a government attacks its own people, yet the Government of Sudan has a history of doing this. In southern Sudan for years they practiced a scorched-Earth campaign of aerial bombardment that has killed over 2 million people and displaced another 5 million over the course of the last 3 decades.

Today in Nairobi, Kenya, the Security Council is meeting to discuss the North-South peace process, as I indicated earlier. It is key that we do not forget Darfur while we are pushing for peace in the North and the South.

I also urge my colleagues in the Congress to condemn the apparent shift of policy by the administration to reward the genocidaire Government of Sudan with debt relief and reconstruction if they sign an agreement by the end of the year instead of punishing them.

I think that this is a very key point. For decades and decades and decades the Government of Sudan has done the wrong thing. They allowed Osama bin Laden to live in Sudan. In those 4 or 5 years, Osama bin Laden, who had not developed an international organization, did not have the comfort to develop and strategize because he was even expelled from Saudi Arabia, the Government of Sudan, the same people who are in power, the same ministers, the same directors of programs, the same police officers, the same generals allowed Osama bin Laden to plan and to strengthen his organization, to develop a worldwide network in the United States, throughout Asia, throughout Africa, throughout the Middle East, and plan the bombings in Dar es Salaam and in Nairobi, which killed hundreds of Americans and Tanzanians and Kenyans.

And finally, after tremendous pressure, Sudan allowed him to leave, but the damage was done. Had that government not allowed Osama bin Laden to stay under their protection, the government issued visas to people who carried the bombs into those countries and we have reports of that. They supplied the ammunition needed to set off the bombs, this same government, who now have attacked the West. We say that it will be wrong. The North-South

agreement is something that should not even have had to be signed because there should not have been the North atrocities on the South for the last 20 or 30 years.

That is good that there is finally becoming an agreement. But let us not allow that to blind us in saying that the government is doing the right thing. They are doing something that they should not have done before and let us have Darfur to make sure that the genocide ends there.

The SPEAKER pro tempore (Mr. BASS). The time of the gentleman from California (Mr. LANTOS) has expired.

Mr. TANCRED0. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from New Jersey referenced a trip that we took to the Sudan, he and I, now over 5 years ago, 5½ years ago. It was certainly as a result of that trip that I have committed as much of my time and energy to this issue, and it is a result of the gentleman from New Jersey's leadership in this area that I stay connected to it.

Let me just tell you one thing that happened on that trip that I remember to this day and will remember it for the rest of my life. We were in a little town called Yai. As we walked through the town, a group of children surrounded us so that it was almost impossible to move. They kept yelling something. They were pointing up. They kept saying something, and of course I could not understand. We were trying to move by. I asked somebody, what are they saying?

□ 1345

And the interpreter said they are fearful of bombs because, of course, the town had been bombed just prior to our getting there. The Antonov bombers had come by, and they were saying that they thought that because we were from the United States, because we were Congressmen, that they would not be hit by these bombs if they stayed close to us. And, of course, I could not promise that that could not happen. But I still remember their eyes, the eyes of these children looking up to us, looking for safety around us. And I will never forget that as long as I live. I will take that picture to my grave. And I committed myself at that time to do everything I could possibly do as a Member of Congress and as a human being, as a person with a soul, to do everything I could possibly do to provide them the shelter that they were looking for, them and all of the other children in Sudan and all of the other people that have suffered so mightily in this war-torn, ravaged country.

There are places all over the world I know that have experienced horrible events, and it happens daily. We come here ourselves and we say what can we do individually. We have to carve out something that we are going to focus on and spend time and energy on until it is accomplished or we are taken away, one way or the other, from this place.

So as I say, it has been certainly a pleasure to work with as many wonderful people as we have over the time. Father Dan, my colleague remembers, that we met there, who I always refer to as the individual in Sudan that anybody would go to if they want to know what was really happening, and he himself has saved thousands of people, thousands. We went to a church the last day we were there. Thousands of people came, and they had themselves experienced the most horrible things.

Almost 7,000 died on the way to this refugee camp that Father Dan had set up for them. And yet they came singing the praises of Jesus Christ and their thankfulness to be saved. I mean, it was the most incredible experience in my life, really. It was amazing. So I must say that the gentleman's kind words to me are certainly appreciated, but they are undeserved especially in terms of what he has done and others, my colleagues here.

We are pulled to this not for any political reason whatsoever. There are no votes. I mean, it is one of the few kinds of things we do on this floor that has absolutely no political advantage to anybody. We are pulled to this because we are human beings with souls and our souls are what tell us we must do, what we are doing here today.

So I thank the gentleman. I want to thank Molly Miller on my staff, who has spent so many countless hours and sleepless nights both probably in the office and also in her home worrying and thinking about this and trying to help us get to the floor tonight. Molly has been wonderful.

I just wish that this were the end of it. I wish that once we pass this, we could all walk away and think it is done, we have accomplished it, there is peace in Sudan. It is not the case. We know that is not the case. But it is what we are required to do today. And if there is more required to do tomorrow, I commit myself and I know my colleagues to the same. I commit myself to that task for as long as it takes.

Mr. RANGEL. Mr. Speaker, by now we are all aware of the ongoing crisis in Darfur, Sudan. The United Nations and U.S. officials have both asserted that the situation there is currently the worst humanitarian and human rights crisis in the world. To date, 1.4 million people have been internally displaced, 200,000 have been forced into exile, and an estimated 70,000 civilians have been killed. Some figures put the number of lives lost at nearly 300,000.

In light of this incomprehensible tragedy, I am extremely pleased to support the passage of the Comprehensive Peace in Sudan Act of 2004, S. 2781. The bill represents a non-partisan effort to provide adequate humanitarian and peacekeeping assistance to the Darfur region, as well as, hold accountable the perpetrators of the atrocities.

The bill seeks to appropriate \$200 million for Darfur humanitarian relief, as well as assistance to the African Union's peacekeeping efforts in the region. through the application of economic sanctions, the bill will also seek to take punitive action against the Government of

Sudan if it continues its brutal transgressions against the Darfurian people. In addition, the bill will appropriate \$100 million in FY 05, 06, and 07 for reconstruction efforts in Southern Sudan.

The passage of S. 2781 will send a clear message that the people of Darfur are not alone in their struggle, and that the acts being perpetrated by the Sudanese government will not be tolerated. As a co-sponsor of H.R. 5061, the companion bill to S. 2781, I urge my fellow colleagues to lend their support to this critical measure, as it now lies on the cusp of passage.

I cannot stress enough its importance. Its success will no doubt aid in the cessation of genocide in Darfur, and the ability of its people to rebuild their lives and reclaim their liberty. As a nation that values freedom, we must make certain that it endures, not only for ourselves but for all our human brethren. S. 2781 is but one step in that eternal endeavor.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of S. 2781 regarding the conflict in the Darfur region of Sudan. I fully supported H.R. 5061, which sought to provide the assistance that is necessary to begin to address the crisis in the Darfur region of Sudan and begin to usher in stability throughout the region and is related. The legislation before us today, S. 2781 does the following:

Sets forth the Comprehensive Peace in Sudan Act of 2004 which contains the sense of Congress regarding: (1) The Sudan Peace Act and its extension to the Darfur region of Sudan; and (2) actions to address the conflict in Sudan;

Amends the Sudan Peace Act to authorize additional FY 2005 appropriations to address the humanitarian and human rights crisis in the Darfur region and its impact on eastern Chad;

Authorizes additional FY 2005 appropriations for Sudan upon the conclusion of a peace agreement between the Government of Sudan and the Sudan People's Liberation Movement (SPLM) if the President certifies to the appropriate congressional committees that: (1) The Government of Sudan has taken steps to stop attacking civilians, disarm militias, cooperate fully with observer missions, and allow humanitarian access to all areas of Sudan, including Darfur; and (2) the SPLM is complying with the peace agreement;

Requires suspension of assistance to either party for its failure to adhere to certification requirements;

Requires: (1) Blocking of senior government officials' assets if such certification is not submitted within 120 days of enactment of this Act; and (2) continuation of existing restrictions until such certification;

Requires the President to report within 60 days of enactment of this Act on the planned U.S. response to a peace agreement for Sudan; and

Amends the International Organizations Immunities Act to replace a reference to "Organization of African Unity" with "African Union."

I congratulate our Senate colleague from Indiana for his hard work in crafting this legislation. However, some of its provisions may require additional urgent action to supplement its legal effect. For example, the 30-day delay required before sanctions can be placed by our government represents a significant concession.

Nevertheless, I feel that the authorization of \$200 million in FY 2005 for Darfur humani-

tarian relief, as well as \$100 million for FY 2005, 2006, and 2007 for the development of Southern Sudan will provide major relief in the near future.

H.R. 5061 called for sanctions against the Government of Sudan and that would allow the United States President to freeze the assets of senior Sudanese officials. These sanctions will enable the U.S. Government to facilitate the weakening of the Sudanese groups that threaten the lives of so many innocent people and the effectiveness of the N'Djamena Agreement (which is between the Government of Sudan, the Justice Equality Movement, and the Sudan Liberation Army) and other peace negotiations.

H.R. 5061 further aimed to include instructions for the U.S. Permanent Representative of the U.N. to urge the Security Council and member states to pursue accountability for those that are facilitating the genocide in Darfur. The provisions of that bill also sought to end the importation of Sudanese oil and to impose an arms embargo on the government of Sudan, the Janjaweed and the Peoples Democratic Front.

We know why this legislation and the bill before us are important. We have read in our newspapers and magazines and have watched our televisions to learn more about the lawlessness that is afflicting Darfur. Members of this Congress have traveled to Sudan and reported back the bad news. It continues to be a bloodbath situation in Sudan and this Congress must support this bill and take a stand against the murderous actors and to show out support for the millions of refugees whom have fled to neighboring countries. This bill will provide aid to the millions of refugees in eastern Chad and Darfur, who seek only to feed their children and seek solace from Janjaweed militias.

The situation in Darfur is dire. We must do more than simply label this horrendous act as genocide; we must take action to stop it. The people of Darfur continue to be raped and pillaged by militia forces. These militiamen ride into towns, villages, and even refugee camps on horseback carrying AK-47s and drive families from their farms, destroy their homes, rape their women, and in many cases murder them. Because of the overcrowding in the refugee camps and the inability of foreign aid workers to reach the camps due to instability, disease has become rampant. Right now in Darfur, thousands are succumbing to these diseases.

Mr. Speaker, the situation in Darfur is a disaster that has been brought upon the people of Darfur by the systematic efforts of the Janjaweed, which is strongly supported by the Sudanese Government in Khartoum. They have been orchestrating efforts to exterminate the ethnic African culture in Darfur, which this Congress, and most recently the president of these United States, labeled genocide.

Therefore this Congress must act now and support S. 2781. In addition to thanking Senator LUGAR for his hard work, I would like to thank Congressman THOMAS TANCREDI and Congressman DONALD PAYNE for their tireless efforts to raise awareness on this horrific act. I want to commend them for working to produce this bill and I can only pray that Congress will pass this legislation on behalf of those who are hoping for better days in Sudan.

Imagine a world where bands of armed militia raid and burn villages, kill men, rape

women, and abduct children, and force entire families off their lands. These are not scenes from a war movie; these are slices of everyday life for ethnic African people living in the Darfur region of western Sudan.

Relief workers and U.S. officials have reported seeing thousands children whose round bellies and sunken eyes reveal a famine so severe that even the most well fed of the land would still be considered malnourished. And they are a stone's throw from fertile ground. The problem is that Janjaweed militiamen riding on horseback and carrying AK-47s, have driven families from their farms, destroyed their homes, cut them off from resources, and refused to let them prepare for the upcoming rainy season. The monsoons will likely overwhelm leaky huts and inadequate sewage systems and increase the risks of cholera, diarrhea, meningitis, measles, and possibly typhoid fever and polio. But this is not a natural disaster. It is a wholly unnatural, man-made disaster, brought about through the systematic efforts of the Janjaweed, and supported by the Sudanese Government in Khartoum. It is an effort to exterminate the ethnic African culture in Darfur—an international crime.

For the past year and a half, the Government of Sudan has supported and enlarged the interests of the Janjaweed militia. In the melee, more than 30,000 people have died and 300,000 more may die by year's end even if we contribute our best humanitarian effort. Now, in the twelfth hour, world leaders in Washington, at the U.N., and around the world are finally beginning to heed the cries of the people in Darfur. International aid and human rights organizations are stepping in to assess and meet the needs for humanitarian aid in both the Sudan and Chad where many displaced people of Darfur are seeking refuge.

Visits by Senator SAM BROWNBACK, Representative FRANK WOLF and, most recently, United States Secretary of State Colin Powell and United Nations Secretary-General Kofi Annan have done much to bring this issue to the forefront of world politics.

The world's attention and international media coverage are essential but insufficient to restore peace. To end this crisis, we must first acknowledge the scope of this crisis. What is happening in Darfur is genocide. In historic fashion, the House of Representatives, in an almost unprecedented show of bipartisanship passed legislation from my colleague in the Congressional Black Caucus DONALD PAYNE, H. Con. Res. 467—a formal declaration of genocide in Darfur, Sudan.

Today, I met with Secretary of State Colin Powell, and leaders from the Congressional Black Caucus, to discuss possibilities for future action in Sudan. Secretary Powell's passion and commitment to the cause of peace and justice for the Darfurians was obvious. But it is now time for similar dedication at the highest levels of government. I have written a letter to the President, co-signed by 30 other Members of Congress, both Republicans and Democrats, requesting a meeting as soon as practicable. United Nations Secretary-General Kofi Annan and President Bush must work in concert with us in the Congress to pressure the Sudanese to disarm the Janjaweed militias and end their reign of terror on ethnic-African peoples. If disarmament does not occur and if proper security measures are not taken to ensure that humanitarian workers will be able to

do their jobs on the ground, we need to explore other more aggressive options, with our partners at the U.N., especially those nations in the African Union.

Today, U.S. lawmakers and U.N. officials know too much about the horrors taking place in Darfur for this administration and government to repeat the fate of Rwanda in 1994. We now have the momentum to move forward and prevent thousands and, possibly, millions from dying. With such a narrow window of opportunity to avert tragedy and with the urgent warnings issued this week by the 9/11 commission, I believe Congress should cut our recess short, and come back to Washington, to immediately address the issues that face this Nation and our friends in the world. It is our moral duty to put an end to what has already become a human rights catastrophe. We must stop the suffering and the commission of blatant crimes against humanity.

Mr. Speaker, I support this legislation and ask that this body unite for its passage.

Mr. MEEKS. Mr. Speaker, I would first like to commend my colleagues, DONALD PAYNE and TOM TANCREDI for working with the Senate to draft a bill that will hopefully be the beginning of the end of genocide in the Sudan.

Since February 2003, Sudanese government troops and their allied militia, the Janjaweed, have raped, tortured, maimed, and burned entire villages to cleanse the Darfur areas of African Muslims.

Seventy thousand have died. Over 200,000 have fled across the border into Chad and 1.6 million have been forced from their homes and into camps, where they remain vulnerable to attacks and lack basic services.

While the Sudanese government has done little to protect its people, the African Union has shown tremendous leadership in trying to stop the atrocities.

The African Union has led peace talks since August and sent hundreds of monitors and security forces to assist in stopping the atrocities.

It is my hope that the bulk of the assistance included in this bill will go to ensure that the African Union is successful in its mission to finally end the genocide in Darfur!

Additionally, we must continue to insist that the Sudanese government cease support for and disarm the Janjaweed militias by immediately utilizing sanctions against the government officials responsible for stopping the atrocities.

Darfur has waited long enough. We must act now.

Mr. PAUL. Mr. Speaker, I rise in strong opposition to this ill-conceived, counter-productive legislation. This represents exactly the kind of unconstitutional interventionism the Founding Fathers warned us about. It is arrogant and dangerous for us to believe that we can go around the world inserting ourselves into civil wars that have nothing to do with us without having to face the unintended consequences that always arise. Our steadily-increasing involvement in the civil war in Sudan may well delay the resolution of the conflict that appears to be proceeding without our involvement. Just today, in talks with the UN the two sides pledged to end the fighting.

The fact is we do not know and cannot understand the complexities of the civil war in Sudan, which has lasted for 39 of that country's 48 years of existence. Supporters of our intervention in Sudan argue that this is a

clear-cut case of Sudan's Christian minority being oppressed and massacred by the Arab majority in the Darfur region. It is interesting that the CIA's World Factbook states that Sudan's Christians, who make up five percent of the population, are concentrated in the south of the country. Darfur is a region in the mid-western part of Sudan. So I wonder about this very simplistic characterization of the conflict.

It seems as if this has been all reduced to a few slogans, tossed around without much thought or care about real meaning or implication. We unfortunately see this often with calls for intervention. One thing we do know, however, is that Sudan is floating on a sea of oil. Why does it always seem that when we hear urgent clamor for the United States to intervene, oil or some other valuable commodity just happens to be present? I find it interesting that so much attention is being paid to oil-rich Sudan while right next door in Congo the death toll from its civil war is estimated to two to three million—several times the estimated toll in Sudan.

At a time when we have just raised the debt-ceiling to allow more massive debt accumulation, this legislation will unconstitutionally commit the United States to ship some 300 million taxpayer dollars to Sudan. It will also freeze the U.S. assets of certain Sudanese until the government of Sudan pursues peace in a time-frame and manner that the U.S. determines.

Inserting ourselves into this civil war in Sudan will do little to solve the crisis. In fact, the promise of U.S. support for one side in the struggle may discourage the progress that has been made recently. What incentive is there to seek a peaceful resolution of the conflict when the U.S. government promises massive assistance to one side? I strongly urge my colleagues to rethink our current dangerous course toward further intervention in Sudan. We may end up hurting most those we are intending to help.

Mr. TANCREDI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Colorado (Mr. TANCREDI) that the House suspend the rules and pass the Senate bill, S. 2781, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

TREATING CERTAIN ARRANGEMENTS BY YMCA RETIREMENT FUND AS CHURCH PLANS

Mr. ENGLISH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5365) to treat certain arrangements maintained by the YMCA Retirement Fund as church plans for the purposes of certain provisions of the Internal Revenue Code of 1986, and for other purposes.

The Clerk read as follows:

H.R. 5365

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN ARRANGEMENTS MAINTAINED BY THE YMCA RETIREMENT FUND TREATED AS CHURCH PLANS.

(a) RETIREMENT PLANS.—

(1) **IN GENERAL.**—For purposes of sections 401(a) and 403(b) of the Internal Revenue Code of 1986, any retirement plan maintained by the YMCA Retirement Fund as of January 1, 2003, shall be treated as a church plan (within the meaning of section 414(e) of such Code) which is maintained by an organization described in section 414(e)(3)(A) of such Code.

(2) **TAX-DEFERRED RETIREMENT PLAN.**—In the case of a retirement plan described in paragraph (1) which allows contributions to be made under a salary reduction agreement—

(A) such treatment shall not apply for purposes of section 415(c)(7) of such Code, and

(B) any account maintained for a participant or beneficiary of such plan shall be treated for purposes of such Code as a retirement income account described in section 403(b)(9) of such Code, except that such account shall not, for purposes of section 403(b)(12) of such Code, be treated as a contract purchased by a church for purposes of section 403(b)(1)(D) of such Code.

(3) **MONEY PURCHASE PENSION PLAN.**—In the case of a retirement plan described in paragraph (1) which is subject to the requirements of section 401(a) of such Code—

(A) such plan (but not any reserves held by the YMCA Retirement Fund)—

(i) shall be treated for purposes of such Code as a defined contribution plan which is a money purchase pension plan, and

(ii) shall be treated as having made an election under section 410(d) of such Code for plan years beginning after December 31, 2005, except that notwithstanding the election—

(I) nothing in the Employee Retirement Income Security Act of 1974 or such Code shall prohibit the YMCA Retirement Fund from commingling for investment purposes the assets of the electing plan with the assets of such Fund and with the assets of any employee benefit plan maintained by such Fund, and

(II) nothing in this section shall be construed as subjecting any assets described in subclause (I), other than the assets of the electing plan, to any provision of such Act,

(B) notwithstanding section 401(a)(11) or 417 of such Code or section 205 of such Act, such plan may offer a lump-sum distribution option to participants who have not attained age 55 without offering such participants an annuity option, and

(C) any account maintained for a participant or beneficiary of such plan shall, for purposes of section 401(a)(9) of such Code, be treated as a retirement income account described in section 403(b)(9) of such Code.

(4) **SELF-FUNDED DEATH BENEFIT PLAN.**—For purposes of section 7702(j) of such Code, a retirement plan described in paragraph (1) shall be treated as an arrangement described in section 7702(j)(2).

(b) **YMCA RETIREMENT FUND.**—For purposes of this section, the term “YMCA Retirement Fund” means the Young Men’s Christian Association Retirement Fund, a corporation created by an Act of the State of New York which became law on April 30, 1921.

(c) **EFFECTIVE DATE.**—This section shall apply to plan years beginning after December 31, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from North Dakota (Mr. POMEROY) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to support H.R. 5365, legislation that I had the privilege to introduce along with the gentleman from North Dakota (Mr. POMEROY). The gentleman from North Dakota and I have been working together for a number of years to make this important clarification, and I appreciate his dedication and leadership on this issue. I also want to thank the gentleman from California (Chairman THOMAS) and the Committee on Ways and Means for their invaluable assistance in bringing this bill to the floor today.

Mr. Speaker, this bill is designed to ensure that thousands of pension plan participants and retirees from the YMCA can continue to count on their benefits. It addresses a concern about the technical status of the YMCA pension plan as a church plan, a type of pension plan offered by churches or associations of churches which brings with it a special set of rules and regulations under the Tax Code. While the YMCA pension plan was founded as and historically has been treated as a church plan, the IRS has on occasion pockmarked its status into question. This bill ensures that its status remains a church plan and that the plan may continue to operate as has been for over 80 years with clear congressional intent.

The YMCA pension plan is a significant and important component of the compensation package offered all YMCA employees, most of whom are paid modestly. Every full-time employee of local YMCAs is required to participate to help ensure better retirement security for all of these employees. The YMCA pension plan is important to the YMCA employees and retirees in my district in Pennsylvania, as it is to those plan participants in most likely each and every congressional district across the country.

This legislation has a vital impact on more than 3,000 families in Pennsylvania and over 80,000 participants nationwide because it offers them financial and retirement security for their long service on behalf of our Nation’s YMCAs, one of our most important organizations operating within communities throughout this country. I am pleased that we are moving forward with this bill today to preserve the status quo, and I encourage all of my colleagues to actively support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

I am very pleased to join the gentleman from Pennsylvania (Mr. ENGLISH) in the sponsoring of this bill. I want to also express my gratitude to the gentleman from California (Chairman THOMAS) for allowing the bill to come forward and to the gentleman from New York (Mr. RANGEL), ranking member, for his interest and support of this legislation.

The YMCA puts Christian principles into the communities by programs that advance healthy minds and strong bodies. They serve 18 million Americans every year and operate throughout its 90-year existence a pension plan for the modestly paid individuals that make these facilities what they are to those enjoying their services.

The YMCA retirement plan requires each and every employee to participate, provides retirees with annuities that guarantee monthly income for life. In fact, 98 percent of retirees choose a lifetime income over that lump sum payment option.

As we look at this whole retirement savings, retirement income conundrum, and we are certainly going to be deeply involved in that this coming congressional session, I hope we can agree that we are going to try to keep in the marketplace what works. And certainly when it comes to the YMCAs pension program, this is a plan that works.

It has been placed in some question because of the IRS’s evaluating whether or not it appropriately qualifies under the church-sponsored plan, as was mentioned by the gentleman from Pennsylvania (Mr. ENGLISH). It is important to legislatively take that, shed that cloud off of this pension program. I appreciate the IRS for forbearing while Congress has been allowed through this legislation to straighten out and clarify that we do not want any changes to the YMCA pension plan. This is a plan that is working and serving its people well. We want it to continue as it has done, and that is the effect of this legislation.

In North Dakota we have 820 YMCA employees and retirees whose fate is linked in some respect to this legislation. Nationally 88,000 have a stake in this legislation.

I hope that as we pass this legislation today, we can take this as a precedent. These pension issues deserve bipartisan approach, like the bill before us, and we need to build on the concept, keep what works, move to address the other areas as these solutions present themselves.

So I am very pleased to advance H.R. 5365 and urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGLISH. Mr. Speaker, I yield myself such time as I may consume.

I will submit the exchange of letters between the gentleman from California (Chairman THOMAS) and the gentleman from Ohio (Chairman BOEHNER) relating to the jurisdiction of this bill for the RECORD.

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES,

Washington, DC, November 19, 2004.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means,
Washington, DC.

DEAR CHAIRMAN THOMAS: I am writing to confirm our mutual understanding with respect to consideration of H.R. 5365, to treat certain arrangements maintained by the

YMCA Retirement Fund as church plans for the purposes of certain provisions of the Internal Revenue Code of 1986, which was referred to the Committee on Ways and Means and in addition the Committee on Education and the Workforce. The bill would impact the Employee Retirement Income Security Act (ERISA) as it applies to certain pension plans within the jurisdiction of the Committee on Education and the Workforce.

I do not intend to delay consideration of H.R. 5365, nor will I object to the scheduling of this bill for consideration in the House of Representatives. However, I do so only with the understanding that this procedural route should not be construed to prejudice the Committee on Education and the Workforce's jurisdictional interest and prerogatives on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future. Furthermore, should these or similar provisions be considered in a conference with the Senate, I would expect Members of the Committee on Education and the Workforce be appointed to the conference committee on those provisions.

Finally, I would ask that you include a copy of our exchange of letters in the Congressional Record on this bill. If you have questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

JOHN A. BOEHNER,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, November 19, 2004.

Hon. JOHN BOEHNER,
Chairman, Committee on Education and the Workforce, Washington, DC.

DEAR CHAIRMAN BOEHNER: Thank you for your letter regarding H.R. 5365, a bill that would treat the YMCA Retirement Fund as a church plan for certain provisions of the Internal Revenue Code of 1986.

I appreciate your agreement to expedite the passage of this legislation although it contains provisions relating to the Employee Retirement Income Security Act of 1974 that are within your Committee's jurisdiction. I acknowledge your decision to forego further action on the bill is based on the understanding that it will not prejudice the Committee on Education and the Workforce with respect to its jurisdictional prerogatives or the appointment of conferees on this or similar legislation.

I appreciate your helping us to move this legislation quickly to the floor. Since the Committee will not report his bill, I will instead include in the CONGRESSIONAL RECORD as copy of our exchange of letters on this matter. Thank you for your assistance and cooperation. We look forward to working with you in the future.

Best regards,

BILL THOMAS,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield myself 30 seconds.

I believe each and every one of us in this Chamber appreciates the work of the YMCA and recognizes that the YMCA is more than wonderful facilities. It is the people there. It is the people there that make these such a special part of our communities. If we want to do something that shows our appreciation to these dear people in the YMCA, let us move this legislation.

This removes any shadow of a doubt that their pension plan can continue to function as it has functioned for virtually the entire life of the YMCA associations. This is a good thing to do.

I am pleased to work with the gentleman from Pennsylvania (Mr. ENGLISH), my friend, in moving this legislation forward. Let this be a place where the true spirit of bipartisanship can break out on a worthy goal. Let us support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. ENGLISH. Mr. Speaker, I yield myself the balance of my time.

I also want to salute the gentleman from North Dakota, who is a valuable ally particularly in dealing with an issue like this that is in a sense relatively straightforward, but deals with the technicalities of the tax law. He has been a great resource to us and to the committee, and it is a privilege for me to be co-sponsoring this legislation with him.

Mr. Speaker, I think that if we look at the history of the YMCA in America, we see the premier faith-based organization that has been providing services to people throughout our communities and providing services that have had an enormous cumulative social impact on America.

One of the essential components to the YMCA and how it operates is its ability to offer this pension program to its employees. The YMCA does not operate on a broad profit margin. So to be able to offer this program with its tax status is critical to the Y's ability to attract the kind of people who are willing to dedicate themselves to the community. And this I believe is a very important piece of legislation to maintain the status quo, to allow the Y to continue to offer not only an excellent pension to its participants and to all of its hard-working employees but also to continue to be able to offer the quality of services in communities throughout America.

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Mr. Speaker, it is a privilege for me to urge my colleagues to gather together on a bipartisan basis to approve this bill.

Mr. BOEHNER. Mr. Speaker, I rise in support of the YMCA Retirement Fund Act, a bill sponsored by Mr. ENGLISH. Strengthening employee pension plans has been a longstanding priority of mine, and I'm pleased to support this common sense reform that will strengthen pension benefits provided through the YMCA Retirement Fund.

This bill will ensure the Young Men's Christian Association's pension plans are treated as church plans under the Internal Revenue Code, and its employees are provided many of the important protections under the Employee Retirement Income Security Act ("ERISA").

The YMCA Retirement Fund has been in existence for more than eighty years, and provides meaningful pension benefits to more than 80,000 participants across the nation. Employees of local YMCA's participate in

these pension plans and enjoy a vesting period of either two or three years. These employees obtain a non-forfeitable right to their pension benefits faster than employees under traditional qualified plans.

I'm pleased today to support this bill to ensure the YMCA Retirement Fund may continue providing these important pension benefits to its employees, many of whom will now also benefit from the important protections provided under ERISA.

Under the bill, the pension plans in the Fund may commingle assets for investment purposes. While there may be certain restrictions on this practice under the Internal Revenue Code, it is important to note that it is not a per se violation to commingle assets under ERISA, provided that the plan and its fiduciaries maintain appropriate records. Therefore, the language should not suggest that other qualified pension plans under ERISA cannot engage in this widely accepted practice.

If the YMCA Retirement Fund's status as a church plan under the Internal Revenue Code is not clarified for this narrow purpose, the Fund may not have the ability to continue to provide the same generous pension benefits to its participants, most of whom are modestly paid.

Finally, Mr. Speaker, I would note that while this legislation will solve a problem for the more than 80,000 Americans involved with the YMCA pension plan, the laws that govern all American worker pensions will remain outdated and in desperate need of reform and repair. The failure to update these laws has resulted in a very real threat that taxpayers will be forced to pay for a multi-billion bailout of the Pension Benefit Guaranty Corporation, which protects workers' retirement benefits when their companies fail. It's absolutely critical that we act in a bipartisan manner in the weeks and months ahead to enact comprehensive, broad-based reforms that will modernize our nation's pension laws and restore security for workers and taxpayers. This is a top priority for me and the members of our committee, and I know it is for Chairman THOMAS and the members of the Ways and Means Committee as well.

I want to thank Chairman THOMAS and the bill's sponsor, Mr. ENGLISH, for their cooperation in bringing this bill to the House floor today. I'm hopeful that we can build on this important legislation, and continue our efforts to craft a solution that will protect the retirement security of all our nation's workers in the same serious and thoughtful manner that produced the bill we're considering today.

I urge my colleagues to support this bill.

Mr. ENGLISH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. ENGLISH) that the House suspend the rules and pass the bill, H.R. 5365.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ENGLISH. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5365, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMERCIAL SPACE LAUNCH AMENDMENTS ACT OF 2004

Mr. ROHRBACHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5382) to promote the development of the emerging commercial human space flight industry, and for other purposes.

The Clerk read as follows:

H.R. 5382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commercial Space Launch Amendments Act of 2004".

SEC. 2. AMENDMENTS.

(a) FINDINGS AND PURPOSES.—Section 70101 of title 49, United States Code, is amended—

(1) in subsection (a)(3), by inserting "human space flight," after "microgravity research,";

(2) in subsection (a)(4)—

(A) by striking "satellite"; and

(B) by striking "services now available from" and inserting "capabilities of";

(3) in subsection (a)(8), by striking "and" at the end;

(4) in subsection (a)(9), by striking the period and inserting a semicolon;

(5) by adding at the end of subsection (a) the following new paragraphs:

"(10) the goal of safely opening space to the American people and their private commercial, scientific, and cultural enterprises should guide Federal space investments, policies, and regulations;

"(11) private industry has begun to develop commercial launch vehicles capable of carrying human beings into space and greater private investment in these efforts will stimulate the Nation's commercial space transportation industry as a whole;

"(12) space transportation is inherently risky, and the future of the commercial human space flight industry will depend on its ability to continually improve its safety performance;

"(13) a critical area of responsibility for the Department of Transportation is to regulate the operations and safety of the emerging commercial human space flight industry;

"(14) the public interest is served by creating a clear legal, regulatory, and safety regime for commercial human space flight; and

"(15) the regulatory standards governing human space flight must evolve as the industry matures so that regulations neither stifle technology development nor expose crew or space flight participants to avoidable risks as the public comes to expect greater safety for crew and space flight participants from the industry.";

(6) in subsection (b)(2)—

(A) by striking "and" at the end of subparagraph (A);

(B) by inserting "and" after the semicolon in subparagraph (B); and

(C) by adding at the end the following new subparagraph:

"(C) promoting the continuous improvement of the safety of launch vehicles designed to carry humans, including through the issuance of regulations, to the extent permitted by this chapter;" and

(7) in subsection (b)(3), by striking "issue and transfer" and inserting "issue permits and commercial licenses and transfer".

(b) DEFINITIONS.—Section 70102 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (2) through (17) as paragraphs (3), (4), (5), (6), (7), (8), (9), (10), (12), (13), (14), (15), (16), (18), (21), and (22), respectively;

(2) by inserting after paragraph (1) the following new paragraph:

"(2) 'crew' means any employee of a licensee or transferee, or of a contractor or subcontractor of a licensee or transferee, who performs activities in the course of that employment directly relating to the launch, reentry, or other operation of or in a launch vehicle or reentry vehicle that carries human beings.";

(3) in paragraph (4), as so redesignated by paragraph (1) of this subsection, by inserting "crew, or space flight participant" after "any payload";

(4) in paragraph (6)(A), as so redesignated by paragraph (1) of this subsection, by striking "and payload" and inserting "payload, crew (including crew training), or space flight participant";

(5) in paragraph (8)(A), as so redesignated by paragraph (1) of this subsection, by inserting "or human beings" after "place a payload";

(6) by inserting after paragraph (10), as so redesignated by paragraph (1) of this subsection, the following new paragraph:

"(11) except in section 70104(c), 'permit' means an experimental permit issued under section 70105a.";

(7) in paragraph (13), as so redesignated by paragraph (1) of this subsection, by inserting "crew, or space flight participants," after "and its payload,";

(8) in paragraph (14)(A), as so redesignated by paragraph (1) of this subsection, by striking "and its payload" inserting "and payload, crew (including crew training), or space flight participant";

(9) by inserting after paragraph (16), as so redesignated by paragraph (1) of this subsection, the following new paragraph:

"(17) 'space flight participant' means an individual, who is not crew, carried within a launch vehicle or reentry vehicle.";

(10) by inserting after paragraph (18), as so redesignated by paragraph (1) of this subsection, the following new paragraphs:

"(19) unless and until regulations take effect under section 70120(c)(2), 'suborbital rocket' means a vehicle, rocket-propelled in whole or in part, intended for flight on a sub-orbital trajectory, and the thrust of which is greater than its lift for the majority of the rocket-powered portion of its ascent.

"(20) 'suborbital trajectory' means the intentional flight path of a launch vehicle, reentry vehicle, or any portion thereof, whose vacuum instantaneous impact point does not leave the surface of the Earth.";

(11) in paragraph (21), as so redesignated by paragraph (1) of this subsection—

(A) by striking "or" at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting "or"; and

(C) by adding at the end the following new subparagraph:

"(E) crew or space flight participants.";

(c) COMMERCIAL HUMAN SPACE FLIGHT.—(1) Section 70103(b)(1) of title 49, United States Code, is amended by inserting "including those involving space flight participants" after "private sector".

(2) Section 70103 of title 49, United States Code, is amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following new subsection:

"(c) SAFETY.—In carrying out the responsibilities under subsection (b), the Secretary shall encourage, facilitate, and promote the continuous improvement of the safety of launch vehicles designed to carry humans, and the Secretary may, consistent with this chapter, promulgate regulations to carry out this subsection."

(3) Section 70104(a) of title 49, United States Code, is amended—

(A) by striking "License Requirement.—A license issued or transferred under this chapter, or a permit,"; and

(B) by inserting after paragraph (4) the following: "Notwithstanding this subsection, a permit shall not authorize a person to operate a launch site or reentry site."

(4) Section 70104(b) of title 49, United States Code, is amended by inserting "or permit" after "holder of a license".

(5) Section 70104 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(d) SINGLE LICENSE OR PERMIT.—The Secretary of Transportation shall ensure that only 1 license or permit is required from the Department of Transportation to conduct activities involving crew or space flight participants, including launch and reentry, for which a license or permit is required under this chapter. The Secretary shall ensure that all Department of Transportation regulations relevant to the licensed or permitted activity are satisfied."

(6) Section 70105(a) of title 49, United States Code, is amended—

(A) in paragraph (1), by striking "a license is not issued" and inserting "the Secretary has not taken action on a license application"; and

(B) in paragraph (2), by inserting "(including approval procedures for the purpose of protecting the health and safety of crews and space flight participants, to the extent permitted by subsections (b) and (c))" after "or personnel".

(7) Section 70105(b)(1) of title 49, United States Code, is amended by inserting "or permit" after "for a license".

(8) Section 70105(b)(2)(B) of title 49, United States Code, is amended by striking "an additional requirement necessary to protect" and inserting "any additional requirement necessary to protect".

(9) Section 70105(b)(2)(C) of title 49, United States Code, is amended—

(A) by inserting "or permit" after "for a license"; and

(B) by striking "and" at the end thereof.

(10) Section 70105(b)(2) of title 49, United States Code, is amended by redesignating subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following new subparagraph:

"(D) additional license requirements, for a launch vehicle carrying a human being for compensation or hire, necessary to protect the health and safety of crew or space flight participants, only if such requirements are imposed pursuant to final regulations issued in accordance with subsection (c); and"

(11) Section 70105(b)(2)(E) of title 49, United States Code, as so redesignated by paragraph (11) of this subsection, is amended by inserting "or permit" after "for a license".

(12) Section 70105(b)(3) of title 49, United States Code, is amended by adding at the end the following: "The Secretary may not grant a waiver under this paragraph that would permit the launch or reentry of a launch vehicle or a reentry vehicle without a license or permit if a human being will be on board."

(13) Section 70105(b) of title 49, United States Code, is amended by adding at the end the following new paragraphs:

“(4) The holder of a license or a permit under this chapter may launch or reenter crew only if—

“(A) the crew has received training and has satisfied medical or other standards specified in the license or permit in accordance with regulations promulgated by the Secretary;

“(B) the holder of the license or permit has informed any individual serving as crew in writing, prior to executing any contract or other arrangement to employ that individual (or, in the case of an individual already employed as of the date of enactment of the Commercial Space Launch Amendments Act of 2004, as early as possible, but in any event prior to any launch in which the individual will participate as crew), that the United States Government has not certified the launch vehicle as safe for carrying crew or space flight participants; and

“(C) the holder of the license or permit and crew have complied with all requirements of the laws of the United States that apply to crew.

“(5) The holder of a license or a permit under this chapter may launch or reenter a space flight participant only if—

“(A) in accordance with regulations promulgated by the Secretary, the holder of the license or permit has informed the space flight participant in writing about the risks of the launch and reentry, including the safety record of the launch or reentry vehicle type, and the Secretary has informed the space flight participant in writing of any relevant information related to risk or probable loss during each phase of flight gathered by the Secretary in making the determination required by section 70112(a)(2) and (c);

“(B) the holder of the license or permit has informed any space flight participant in writing, prior to receiving any compensation from that space flight participant or (in the case of a space flight participant not providing compensation) otherwise concluding any agreement to fly that space flight participant, that the United States Government has not certified the launch vehicle as safe for carrying crew or space flight participants;

“(C) in accordance with regulations promulgated by the Secretary, the space flight participant has provided written informed consent to participate in the launch and reentry and written certification of compliance with any regulations promulgated under paragraph (6)(A); and

“(D) the holder of the license or permit has complied with any regulations promulgated by the Secretary pursuant to paragraph (6).

“(6)(A) The Secretary may issue regulations requiring space flight participants to undergo an appropriate physical examination prior to a launch or reentry under this chapter. This subparagraph shall cease to be in effect three years after the date of enactment of the Commercial Space Launch Amendments Act of 2004.

“(B) The Secretary may issue additional regulations setting reasonable requirements for space flight participants, including medical and training requirements. Such regulations shall not be effective before the expiration of 3 years after the date of enactment of the Commercial Space Launch Amendments Act of 2004.”

(14) Section 70105 of title 49, United States Code, is amended by redesignating subsection (c) as subsection (d), and by adding after subsection (b) the following new subsection:

“(c) SAFETY REGULATIONS.—(1) The Secretary may issue regulations governing the design or operation of a launch vehicle to protect the health and safety of crew and space flight participants.

“(2) Regulations issued under this subsection shall—

“(A) describe how such regulations would be applied when the Secretary is determining whether to issue a license under this chapter;

“(B) apply only to launches in which a vehicle will be carrying a human being for compensation or hire;

“(C) be limited to restricting or prohibiting design features or operating practices that—

“(i) have resulted in a serious or fatal injury (as defined in 49 CFR 830, as in effect on November 10, 2004) to crew or space flight participants during a licensed or permitted commercial human space flight; or

“(ii) contributed to an unplanned event or series of events during a licensed or permitted commercial human space flight that posed a high risk of causing a serious or fatal injury (as defined in 49 CFR 830, as in effect on November 10, 2004) to crew or space flight participants; and

“(D) be issued with a description of the instance or instances when the design feature or operating practice being restricted or prohibited contributed to a result or event described in subparagraph (C).

“(3) Beginning 8 years after the date of enactment of the Commercial Space Launch Amendments Act of 2004, the Secretary may propose regulations under this subsection without regard to paragraph (2)(C) and (D). Any such regulations shall take into consideration the evolving standards of safety in the commercial space flight industry.

“(4) Nothing in this subsection shall be construed to limit the authority of the Secretary to issue requirements or regulations to protect the public health and safety, safety of property, national security interests, and foreign policy interests of the United States.”

(15) Section 70105(d) of title 49, United States Code, as so redesignated by paragraph (15) of this subsection, is amended by inserting “or permit” after “of a license”.

(16) Chapter 701 of title 49, United States Code, is amended by inserting after section 70105 the following new section:

“§ 70105a. Experimental permits

“(a) A person may apply to the Secretary of Transportation for an experimental permit under this section in the form and manner the Secretary prescribes. Consistent with the protection of the public health and safety, safety of property, and national security and foreign policy interests of the United States, the Secretary, not later than 120 days after receiving an application pursuant to this section, shall issue a permit if the Secretary decides in writing that the applicant complies, and will continue to comply, with this chapter and regulations prescribed under this chapter. The Secretary shall inform the applicant of any pending issue and action required to resolve the issue if the Secretary has not made a decision not later than 90 days after receiving an application. The Secretary shall transmit to the Committee on Science of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 15 days after any occurrence when the Secretary has failed to act on a permit within the deadline established by this section.

“(b) In carrying out subsection (a), the Secretary may establish procedures for safety approvals of launch vehicles, reentry vehicles, safety systems, processes, services, or personnel that may be used in conducting commercial space launch or reentry activities pursuant to a permit.

“(c) In order to encourage the development of a commercial space flight industry, the Secretary may when issuing permits use the authority granted under section 70105(b)(2)(C).

“(d) The Secretary may issue a permit only for reusable suborbital rockets that will be launched or reentered solely for—

“(1) research and development to test new design concepts, new equipment, or new operating techniques;

“(2) showing compliance with requirements as part of the process for obtaining a license under this chapter; or

“(3) crew training prior to obtaining a license for a launch or reentry using the design of the rocket for which the permit would be issued.

“(e) Permits issued under this section shall—

“(1) authorize an unlimited number of launches and reentries for a particular suborbital rocket design for the uses described in subsection (d); and

“(2) specify the type of modifications that may be made to the suborbital rocket without changing the design to an extent that would invalidate the permit.

“(f) Permits shall not be transferable.

“(g) A permit may not be issued for, and a permit that has already been issued shall cease to be valid for, a particular design for a reusable suborbital rocket after a license has been issued for the launch or reentry of a rocket of that design.

“(h) No person may operate a reusable suborbital rocket under a permit for carrying any property or human being for compensation or hire.

“(i) For the purposes of sections 70106, 70107, 70108, 70109, 70110, 70112, 70115, 70116, 70117, and 70121 of this chapter—

“(1) a permit shall be considered a license;

“(2) the holder of a permit shall be considered a licensee;

“(3) a vehicle operating under a permit shall be considered to be licensed; and

“(4) the issuance of a permit shall be considered licensing.

This subsection shall not be construed to allow the transfer of a permit.”

(17) Section 70106(a) of title 49, United States Code, is amended—

(A) by inserting “at a site used for crew or space flight participant training,” after “assemble a launch vehicle or reentry vehicle,”; and

(B) by striking “section 70104(c)” and inserting “sections 70104(c), 70105, and 70105a”.

(18) Section 70107(b) of title 49, United States Code, is amended—

(A) by inserting “(1)” before “On the initiative”; and

(B) by adding the following new paragraph at the end:

“(2) The Secretary shall modify a license issued or transferred under this chapter whenever a modification is needed for the license to be in conformity with a regulation that was issued pursuant to section 70105(c) after the issuance of the license. This paragraph shall not apply to permits.”

(19) Section 70107 of title 49, United States Code, is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and by inserting after subsection (c) the following new subsection:

“(d) ADDITIONAL SUSPENSIONS.—(1) The Secretary may suspend a license when a previous launch or reentry under the license has resulted in a serious or fatal injury (as defined in 49 CFR 830, as in effect on November 10, 2004) to crew or space flight participants and the Secretary has determined that continued operations under the license are likely to cause additional serious or fatal injury (as defined in 49 CFR 830, as in effect on November 10, 2004) to crew or space flight participants.

“(2) Any suspension imposed under this subsection shall be for as brief a period as possible and, in any event, shall cease when the Secretary—

“(A) has determined that the licensee has taken sufficient steps to reduce the likelihood of a recurrence of the serious or fatal injury; or

“(B) has modified the license pursuant to subsection (b) to sufficiently reduce the likelihood of a recurrence of the serious or fatal injury.

“(3) This subsection shall not apply to permits.”.

(20) Section 70110(a)(1) of title 49, United States Code, is amended by inserting “or 70105a” after “70105(a)”.

(21) Section 70112(b)(2) of title 49, United States Code, is amended—

(A) by inserting “crew, space flight participants,” after “transferee, contractors, subcontractors,”; and

(B) by inserting “or by space flight participants,” after “its own employees”.

(22) Section 70113(a)(1) of title 49, United States Code, is amended by inserting “but not against a space flight participant,” after “subcontractor of a customer,”.

(23) Section 70113(f) of title 49, United States Code, is amended by inserting at the end the following: “This section does not apply to permits.”.

(24) Section 70115(b)(1)(D)(i) of title 49, United States Code, is amended by inserting “crew or space flight participant training site,” after “site of a launch vehicle or reentry vehicle,”.

(25) Section 70120 of title 49, United States Code, is amended by adding at the end the following new subsections:

“(c) AMENDMENTS.—(1) Not later than 12 months after the date of enactment of the Commercial Space Launch Amendments Act of 2004, the Secretary shall publish proposed regulations to carry out that Act, including regulations relating to crew, space flight participants, and permits for launch or reentry of reusable suborbital rockets. Not later than 18 months after such date of enactment, the Secretary shall issue final regulations.

“(2)(A) Starting 3 years after the date of enactment of the Commercial Space Launch Amendments Act of 2004, the Secretary may issue final regulations changing the definition of suborbital rocket under this chapter. No such regulation may take effect until 180 days after the Secretary has submitted the regulation to the Congress.

“(B) The Secretary may issue regulations under this paragraph only if the Secretary has determined that the definition in section 70102 does not describe, or will not continue to describe, all appropriate vehicles and only those vehicles. In making that determination, the Secretary shall take into account the evolving nature of the commercial space launch industry.

“(d) EFFECTIVE DATE.—(1) Licenses for the launch or reentry of launch vehicles or reentry vehicles with human beings on board and permits may be issued by the Secretary prior to the issuance of the regulations described in subsection (c).

“(2) As soon as practicable after the date of enactment of the Commercial Space Launch Amendments Act of 2004, the Secretary shall issue guidelines or advisory circulars to guide the implementation of that Act until regulations are issued.

“(3) Notwithstanding paragraphs (1) and (2), no licenses for the launch or reentry of launch vehicles or reentry vehicles with human beings on board or permits may be issued starting three years after the date of enactment of the Commercial Space Launch Amendments Act of 2004 unless the final regulations described in subsection (c) have been issued.”.

(26) The table of sections for chapter 701 of title 49, United States Code, is amended by

inserting after the item relating to 70105 the following new item:

“70105a. Experimental permits.”.

SEC. 3. STUDIES.

(a) RISK SHARING.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall enter into an arrangement with a nonprofit entity for the conduct of an independent comprehensive study of the liability risk sharing regime in the United States for commercial space transportation under section 70113 of title 49, United States Code. To ensure that Congress has a full analysis of the liability risk sharing regime, the study shall assess methods by which the current system could be eliminated, including an estimate of the time required to implement each of the methods assessed. The study shall assess whether any alternative steps would be needed to maintain a viable and competitive United States space transportation industry if the current regime were eliminated. In conducting the assessment under this subsection, input from commercial space transportation insurance experts shall be sought. The study also shall examine liability risk sharing in other nations with commercial launch capability and evaluate the direct and indirect impact that ending this regime would have on the competitiveness of the United States commercial space launch industry in relation to foreign commercial launch providers and on United States assured access to space.

(b) SAFETY.—The Secretary of Transportation, in consultation with the Administrator of the National Aeronautics and Space Administration, shall enter into an arrangement with a nonprofit entity for a report analyzing safety issues related to launching human beings into space. In designing the study, the Secretary should take into account any recommendations from the Commercial Space Transportation Advisory Committee and the National Aeronautics and Space Administration's Aerospace Safety Advisory Panel. The report shall be submitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 4 years of the date of enactment of this Act. The report shall analyze and make recommendations about—

(1) the standards of safety and concepts of operation that should guide the regulation of human space flight and whether the standard of safety should vary by class or type of vehicle, the purpose of flight, or other considerations;

(2) the effectiveness of the commercial licensing and permitting regime under chapter 701 of title 49, United States Code, particularly in ensuring the safety of the public and of crew and space flight participants during launch, in-space transit, orbit, and reentry, and whether any changes are needed to that chapter;

(3) whether there is a need for commercial ground operations for commercial space flight, including provision of launch support, launch and reentry control, mission control, range operations, and communications and telemetry operations through all phases of flight, and if such operations developed, whether and how they should be regulated;

(4) whether expendable and reusable launch and reentry vehicles should be regulated differently from each other, and whether either of those vehicles should be regulated differently when carrying human beings;

(5) whether the Federal Government should separate the promotion of human space flight from the regulation of such activity;

(6) how third parties could be used to evaluate the qualification and acceptance of new human space flight vehicles prior to their operation;

(7) how nongovernment experts could participate more fully in setting standards and developing regulations concerning human space flight safety; and

(8) whether the Federal Government should regulate the extent of foreign ownership or control of human space flight companies operating or incorporated in the United States.

SEC. 4. TECHNICAL AMENDMENT.

Section 102(c) of the Commercial Space Act of 1998 is repealed.

The SPEAKER pro tempore (Mr. KLINE). Pursuant to the rule, the gentleman from California (Mr. ROHRABACHER) and the gentleman from Texas (Mr. LAMPSON) each will control 20 minutes.

Mr. OBERSTAR. Mr. Speaker, I would like to inquire of the gentleman from Texas if he is opposed to the bill.

The SPEAKER pro tempore. Is the gentleman from Texas (Mr. LAMPSON) opposed to the bill?

Mr. LAMPSON. I will support the bill, Mr. Speaker.

Mr. OBEY. Mr. Speaker, I rise to claim the time in opposition.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. OBERSTAR) will control 20 minutes in opposition to the bill.

GENERAL LEAVE

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROHRABACHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, let me congratulate someone who is spending his last day on the floor as an activist for America's space program. The gentleman from Texas (Mr. LAMPSON) has been a tremendous asset in our Subcommittee on Space and Aeronautics. He exemplifies the spirit of activism and the support team for our astronauts and what they have needed in order to be successful. I appreciate his support of this amendment today, knowing that we both have worked on this, along with the gentleman from Tennessee (Mr. GORDON), and it has been purely a bipartisan effort. We have had many, many hearings on this bill, and today is a culmination of his career and, I might add, it is a culmination of my career as chairman of the Subcommittee on Space and Aeronautics, as this is one of my last actions as chairman to be here before us today.

The bill we speak about, H.R. 5382, the Commercial Space Launch Amendments Act of 2004, represents a long and thorough process and also a solid bipartisan effort to make commercial human space flight a reality. Earlier this year, H.R. 3752 passed this House by a vote of 402 to 1. Thus, there is nothing to any charge to suggest that there has been anything but pure, that

this bill has been operating purely in the open and with open discussion and with the input from both sides of the aisle.

That bill's central premise that passed by 402 to 1 was that, after being informed of the risks, that people can and should be able to decide to buy a ticket and achieve their lifelong dream of flying into space, even though they know that it is a risky proposition.

The House Committee on Science has worked diligently with the Senate Committee on Commerce, Science, and Transportation to craft an even more balanced, compromised bill which is being considered today, a bill that actually has more controls and more, one might say, safety in it than the first bill did, even though the central premise still is that people have a right and, especially in a developing industry, it is important to have that type of citizen input which would give them the right to waive certain safety requirements they would not waive in time when we are dealing with advanced technology and technology that has already been commercialized.

We thank the distinguished Senator from South Carolina, Mr. HOLLINGS, for helping craft this legislation in the Senate that will ensure that this new industry grows and matures, rather than is strangled in its crib by over-regulation. As chairman of the Subcommittee on Space and Aeronautics, I can think of no better way to end my tenure than to see H.R. 5382 become law.

During my 8 years as chairman, I had the privilege to peer into the future to see dynamic citizen astronauts returning to and from the heavens which we can expect in the future. American entrepreneur Dennis Tito ignored the screaming agony of our own space bureaucracy to show the world that space will not be restricted simply to a chosen few. Burt Rutan's tremendous accomplishment last month caught the attention of the world and underscores the innovative and creative potential of space entrepreneurs.

It is my sincere hope that H.R. 5382 will encourage a new breed of private sector astronauts to continue leading the way in pushing the boundaries of technology and safety by building and testing earth-to-space vehicles. This fine piece of legislation carries forward my goal of eliminating and reducing the possibility of some arbitrary redirection or restructuring or abandonment of promising new space endeavors for lack of an enabling regulatory regime or a bureaucracy that wants to protect industry's rights until they are dead and can no longer function.

H.R. 5382 promotes development of an emerging commercial human space flight industry by putting in place a clear and balanced regulatory regime.

Let me add, my colleagues are going to hear today that there is not enough regulation in here to protect the consumer, but if this bill goes down, there will be no regulation to protect the

consumer. A vote of no is a vote in favor of eliminating all of the regulatory safety precautions that were put in during negotiations with the Senate.

This bill is drafted as an amendment to the existing Space Commercial Launch Act to minimize disruption and confusion. The bill assigns the Secretary of Transportation jurisdiction over commercial human space flight and requires the Secretary to streamline the certification process for experimental suborbital reusable space launch vehicles. This approach will make it easier to develop new types of space launch vehicles.

The bill also addresses qualifications for crew and space flight participants.

I would like to thank the gentleman from New York (Chairman BOEHLERT), the gentleman from Tennessee (Mr. GORDON) and, as I say, the gentleman from Texas (Mr. LAMPSON) for this tremendous bipartisan effort that we have had, a purely open effort that has been open to any type of input all along. Until now, we have not had any objections except here at the last minute.

I also want to thank the FAA, the House and Senate staff for helping develop H.R. 52382. Their hard work and dedication stands as a shining example of America's cooperative, can-do spirit. Because of the tremendous efforts of all of those involved, H.R. 5382 ensures that regulatory barriers will not hinder the growth of this emerging industry, will not force this industry to go overseas, rather than provide the jobs here and the development of technology here.

This is a very worthwhile piece of legislation. To vote against it is a vote to strangle this baby in its crib. It is a vote to make sure that industry develops overseas instead of here. It is a vote for no regulation instead of reasonable regulation.

I ask my colleagues on both sides of the aisle to join me in supporting this bill, H.R. 5382.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, we are engaged in a most extraordinary process here. The chairman of the subcommittee just now said, at the last minute, now we are confronted with proposals for regulation. Well, at the last minute, we have this bill before us. If the gentleman were concerned, Mr. Speaker, about including those who are concerned about safety in flight, the Members on this side of the aisle would have been included much earlier on in this process. The bill was not even introduced until yesterday. We did not have a copy of an introduced bill to look at until yesterday afternoon or evening. That is not the way we work on our Committee on Transportation and Infrastructure. We at least include both parties in discussions.

Now, I want my colleagues to understand the language of this bill. On page 13, line 17: "Safety regulations. The

Secretary may issue regulations governing the design or operation of a launch vehicle to protect the health and safety of crew and space flight participants." But, "Regulations issued under this subsection shall be limited to restricting or prohibiting design features or operating practices that have resulted in a serious or fatal injury to crew or space flight participants."

Is the gentleman going to include on the space flight ticket the disclaimer there has been no safety provided until after you are dead?

Our committee colleague of some years ago, Mr. Molinari of New York, the ranking Republican on the Subcommittee on Investigations and Oversight at the time when I was chairing hearings and we looked into FAA safety practices, he described FAA's procedure at the time as a tombstone mentality. They act only after there is a fatality.

I do not want to see people dead from a space experiment and then the Federal Government comes in to regulate.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, in the legislation, the gentleman asks whether or not someone should be able to sign off, and the legislation clearly states that someone will have to sign off, knowing that, the risk that he is taking.

I might also ask, the gentleman just read a section of the bill talking about when regulation would be justified. But on line 12 of the very same page that the gentleman was reading from, it suggests that they may come in even if there is a risk. There does not have to be a fatality. There just has to be a risk.

Mr. OBERSTAR. Mr. Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1 minute.

This has been going on for 2 years. This has been a bill that we have worked on, and the people on the Committee on Science and the Subcommittee on Space and Aeronautics on both sides of the aisle have struggled with this for 2 years. During that entire time, we were always open to any type of discussion. We were in contact with the Committee on Transportation.

Also, let me add, talking about it not being last minute, this bill passed the House in March of 2004, months and months ago, by 402 to 1. At that time, if there were any problems with the bill, we would have been more than happy, in fact, we were more than happy to try to renegotiate the bill, which we did in the Senate, and Senator HOLLINGS raised some of the objections of my good friend, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I would respectfully say to the chairman, our side was never included, never advised, and when the bill passed the House in March of this year, it did not have any reference of this nature to safety.

Mr. ROHRBACHER. Mr. Speaker, I yield myself 30 seconds.

This part of the bill, actually, the House voted on a bill that did not contain as much safety regulation as this bill does, and no one on that side of the aisle opposed it then. Now, after we have included safety provisions by Mr. HOLLINGS' consideration, now it is objected to.

Let me note, if this bill goes down, there will be no safety regulations. So a vote no is a vote for no safety regulations.

Mr. Speaker, I yield 4 minutes to the chairman of the full Committee on Science, the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of this bill, which is the result of laborious and painstaking bipartisan negotiations between our committee and the Committee on Commerce, Science, and Transportation in the other body.

This bill tries to strike a delicate balance between the need to give a new industry a chance to develop brand-new technology and the desire to provide enough regulation to protect the industry's customers.

□ 1415

We think we have struck that balance and here is why. First, the bill gives the Federal Aviation Administration clear authority for the first time to regulate the commercial human space flight industry.

Second, the bill gives the FAA unlimited authority to regulate the industry and its rockets to make sure they do no harm to third parties, that is, people on the ground or in the air who are in no way involved with the flight.

Third, the bill sets a clear timetable for when FAA will have unlimited authority to regulate the industry and its rockets to make sure they do no harm to the people on board.

But here is what the bill does not do. It does not allow the FAA right now to guess whether some new untested rocket technology will do harm to the people onboard. Why? Because this industry is at the stage when it is the preserve of visionaries and daredevils and adventurers. These are people who will fly at their own risk to try out new technologies. These are people who do not expect and should not expect to be protected by the government. Such protection would only stifle innovation.

So instead of allowing FAA guesswork for the next several years, the bill requires that anyone participating in launch, whether it is crew or passenger, must be notified of all risk of

flight and must be told explicitly that the government has not certified the vehicle as safe for crew or passengers. And the FAA can come in and prohibit rocket designs and operational procedures that have already been shown to fail.

Now, obviously, this Wild West or barnstorming or infant industry state of affairs cannot obtain forever, if the commercial space flight industry is to become more than an expensive and risky novelty. Safety must increase, and gradually the industry will start to look more like a common carrier. And that is why the bill allows FAA after 8 years to regulate commercial space flight in pretty much the same way it regulates the airline industry. But it seems to me kind of silly to regulate Burt Rutan's vehicle, which has flown three times, as if it was a Boeing 747. If we regulate it that way, then his craft will never evolve into the equivalent of a 747.

So we have a balanced bill that will enable the commercial space flight industry to experiment, and that will encourage the industry to constantly improve its record of safety, so that within a relatively short time, its technology will mature and customer base will grow to the point that more regulation is warranted.

I want to thank our outgoing subcommittee chairman, the gentleman from California (Mr. ROHRBACHER), for keeping after all of us on this bill. He has been tenacious. I also want to salute the distinguished gentleman from Texas (Mr. LAMPSON) for his leadership and perseverance. I want to thank also the chairman of our other committee, the gentleman from Alaska (Mr. YOUNG) of the Committee on Transportation and Infrastructure, for discharging this bill.

Mr. Speaker, I urge all of my colleagues to support this sensible, balanced bill which will facilitate the development of a new industry that will expand the horizons of all Americans.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE,

Washington, DC, November 18, 2004.

Hon. SHERWOOD L. BOEHLERT,
Chairman, Committee on Science, Rayburn
Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Transportation and Infrastructure Committee in matters being considered in H.R. 5382, the Commercial Space Launch Amendments Act of 2004.

Our Committee recognizes the importance of H.R. 5382 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over certain provisions of the bill, I will agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Transportation and Infrastructure Committee, and that a copy of this letter and of your response acknowledging our valid jurisdictional interest will be included in the Congressional Record.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, November 18, 2004.

Hon. DON YOUNG,
Chairman, Committee on Transportation and
Infrastructure, House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: I appreciate your decision to support H.R. 5382, the Commercial Space Launch Amendments Act of 2004. Your Committee has valid jurisdictional interests in the bill as drafted.

I recognize that by forgoing a referral in this instance, your Committee does not waive any rights involving provisions within your Committee's jurisdiction. Per your request, I will include copies of this exchange of letters in the Congressional Record during debate on the House Floor.

I will continue to work with you to define the respective jurisdiction of our Committees over this bill.

Thank you for your consideration regarding this matter.

Sincerely,

SHERWOOD L. BOEHLERT,
Chairman.

Mr. OBERSTAR. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO), our ranking member on the Subcommittee on Aviation.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me time. We all salute the innovation and the achievement that we have recently seen in the early days of private space flight, and we certainly do want to encourage that. But we go a little bit too far in this legislation.

I do not understand why the committee has inserted the references to paying passengers and that we would not regulate until after the serious injury or death of paying passengers. It took me a decade here in Congress to strip the FAA of its requirement to promote the industry. That was something adopted in the very early days. It seems to be similar to what is going on here, to say that in the early days the Civil Aeronautics Board would have a charge of promoting the industry and later regulation became more paramount. But up and to and through the 90s until a tragic accident with then Air Tran, the industry was both regulated and promoted by the same agency. I promoted it out for years as a conflict. And it was only after that incident that we finally changed the language and said, no, it would be paramount that they would regulate in the interest of public health and safety.

But here we are again trying to codify the old so-called "tombstone mentality" of the FAA by including paying passengers. It is one thing to say, here is someone who invented something or built something and they are going to try and fly it at their own risk here or here is a professional person who is going to try to fly something that was built by this person, fully knowing the risk; but it is another thing to begin to say paying passengers will fall under the same aegis in this bill.

This was not considered by the Subcommittee on Aviation in any form over the last 2 years. It was never referenced to the Subcommittee on Aviation over the last 2 years. There may have been some communication somewhere with some member of the staff or between some member of that committee and some member of our committee, but not the Subcommittee on Aviation who has jurisdiction over these matters.

So I would suggest that there is not an immediate crisis. There is no reason that this bill must be rushed through today in this form. It could well be passed next year. The liability provisions exist elsewhere and would be continued elsewhere, and then we could have a more thorough discussion of when it would be appropriate to begin to regulate for the health and safety of passengers on these space crafts, that is, I think something that is not wise to codify today because it took us from 1932 or 1933 until 1996 to remove that provision in regards to the FAA, 64 years or so that that carried over.

Even though it was long after the time when the industry needed promotion or the FAA should be conflicting itself with promoting the industry, they were still doing that. And people died because of that. And it may not be in the next year or two, but 8 years is a pretty long time to say we are going to go 8 years before there could be any regulation regarding paying passengers.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from California.

Mr. ROHRABACHER. I believe that the same level of that same criteria that the gentleman is talking about was in place when airplanes themselves were developing; but we would have had that same level of progress in the development of aviation. Does the gentleman not believe if we had the same level of regulation then that we have now would have just stifled all sorts of creativity at a time when people knew they were taking risks?

My father, I remember when he told me he got in on a plane that flew in on a dirt road and they charged \$5 to get on this plane. It was an old World War I SPAT or something. It excited him so much about being able to participate, and because of that we had a whole new industry created because of that.

Mr. DEFAZIO. Reclaiming my time, here we would be looking at presumably much wealthier people paying gigabucks to have the experience. But still I think the point is that it is not necessary to attract entrepreneurs. There are already entrepreneurs out there experimenting. There are professional pilots out there willing to fly these crafts. But to take the next step and say to paying passengers who may or may not be a very knowledgeable and wealthy person or someone of lesser means would be subjected to those risks without any regulation. It just

does not seem necessary to promote this industry at this point in time.

It is already moving forward. The liability exemption I believe is the key. But to say that if they are going to go to paying passengers, they could not be regulated, I think that is kind of a bright line where we could draw a line and agree.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 30 seconds.

People who are spending \$200,000 or \$100,000 to go into space, they are responsible enough to make a decision as to whether or not to take the risk, rather than having the government trying to say there will be no such people, and thus that contribution, that amount of money that would be available to developing new craft will no longer be available.

The rich people around the world would like to spend \$100,000 or \$200,000. That could help us develop new types of space craft rather than relying on the government and the taxpayer to come up with all the loot in developing new crafts.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. LAMPSON), a real activist on our committee and who will be sorely missed, who, I might add, has championed a space agenda much of which was incorporated into the President's own space agenda later on. He will be sorely missed.

Mr. LAMPSON. Mr. Speaker, I thank the gentleman from California (Mr. ROHRABACHER). It has been a pleasure working with him and the gentleman from New York (Mr. BOEHLERT) and on the Committee on Science and on the Subcommittee on Space and Aeronautics. Actually, it has been a tremendous pleasure working with the gentleman from Minnesota (Mr. OBERSTAR) on the Committee on Transportation and Infrastructure as well.

These things, hopefully, will be able, these concerns, will be able to be addressed if this makes it back into the next session of Congress.

I do want to speak in support of H.R. 5382, a bill to promote the development of the emerging commercial human space flight industry.

I was an original co-sponsor of an earlier version of this bill, H.R. 3752, which passed earlier this year and we have already heard spoken about.

While the idea of a commercial human space flight industry might have seemed like science fiction, like a science fiction dream even a few years ago, the recent successful flights of Burt Rutan's Spaceship One show that the dream may be truly moving toward reality.

So the basic purpose of H.R. 5382 is to establish a framework for regulating the emerging commercial human space flight industry. The Committee on Science has heard ample testimony that such a framework is needed if the companies are to make their plans and attract needed investment capital. At the same time, Congress needs to ensure that safety is protected as this new industry emerges.

One of the challenges in developing this legislation has been in striking an appropriate balance between encouraging innovation and providing sufficient safety regulation of this emerging industry. In that regard, our discussions with the Senate have led to language that clarifies that we care about both the growth of new industry and the protection of the crews and the passengers of these new vehicles.

Mr. Speaker, when we debated the original version of this bill on the floor earlier this year, I agreed with those who believed that there were still some areas that could be improved on. While there are always further improvements that can be made, I think that our subsequent discussions with the Senate have led to a solid piece of legislation.

I think that the legislation before us represents the most feasible compromise possible in this session of Congress. If it makes it into the next session of Congress for discussion again, I hope that we will work in as bipartisan a manner as we possibly can so we can address all of the concerns of all of our Members so it will be moved forward to provide a good framework for regulation.

I want to commend, again, my friend, the gentleman from California (Mr. ROHRABACHER), for his persistence and initiative on this issue. I urge my colleagues to support H.R. 5382.

Mr. OBERSTAR. Mr. Speaker, how much time is left on each side?

The SPEAKER pro tempore (Mr. KLINE). The gentleman from Minnesota (Mr. OBERSTAR) has 12 minutes remaining. The gentleman from California (Mr. ROHRABACHER) has 5 minutes remaining.

Mr. OBERSTAR. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, I, too, greatly regret the departure from this body of the gentleman from Texas (Mr. LAMPSON) who has been a great Member of this people's body and who among many other issues in which he has distinguished himself has led the cause of missing and exploited children, a cause that reaches throughout this great land and is a great tribute to his very noble personal character, a genuine concern for those who have been taken against their will, children exploited, tortured and killed.

The gentleman will have a legacy from this body that will not be surpassed in that arena. I thank the gentleman for his great contribution.

I listened with great interest to the concern of the gentleman, chairman of the subcommittee, "that this industry will be strangled in its crib by over-regulation," to the chair of the full committee who said, "Protection would stifle innovation," who said, "It would be silly to regulate Burt Rutan's vehicle." I do not think safety regulation is ever silly.

□ 1430

I do not think we have ever overregulated safety.

For the record, I just want to state the language that had we been given the opportunity to present we would have submitted, which is very simply, on page 14 of the bill before us delete lines 4 to page 15, line 7, replace with the following: Prescribe minimum standards necessary for safety of design features and operation of a launched vehicle, taking into account the inherently risky nature of human space flight.

That is not a straitjacket. That is not strangling in its crib. That is not language that I would, in any way, associate myself with for commercial aviation. But in this era of uncertain exploration of space for commercial purposes and carrying passengers, not scientists and astronauts, I think we could put that language in, taking into account the inherently risky nature of space flight. It gives a great deal of latitude in the early regulatory period of this commercial space launch activity. That is not protecting, as the gentleman called it, the Chairman, protecting industry until they are dead.

On the contrary, I propose to put in place a regulatory framework of at least a minimal stature to protect people before they are dead. That is the issue.

I had a discussion pursuant to the request of the chairman of the full committee and chairman of the subcommittee with the advocates for this technology, the representative of Xcor company and their attorney representing the company here in Washington, and their concern was FAA might not have the technology skills to deal with new materials, new engines, new power plants, a new class of vehicle. They would be groping around with this new class of vehicle and would not think creatively.

Oh, my goodness. After all, the FAA is under the jurisdiction of this administration, and if they are not thinking creatively, I think we would have some ability to encourage them to do so.

Secondly, the FAA, with a regulatory safety framework in place, approved the entry into service and development of the new jet aircraft in 1958, within a regulatory framework. Jet aviation did not stifle, was not strangled in its crib by overregulation.

When technology brought new materials, composites to be used in tail sections and wing sections, FAA did not strangle that new technology in its crib but nurtured it along in a safe manner so that it could be safely deployed.

When a general aviation aircraft manufacturer who is located in Minnesota proposed an all-composite general aviation aircraft that had never been attempted before, this regulatory framework of safety worked with this company, and in 5-years that aircraft was certificated, built, flying, and Cirrus Aviation is now the largest general aviation aircraft manufacturer in the world. They were not strangled in their crib. They were not suffocated, and no

passenger has died because of a safety framework put in place.

We do not propose to strangle industry but rather to protect the public.

Mr. DEFAZIO. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding.

I would like to reflect on the compromise language he talked about, and, again, since we have not gone through a regular legislative process here, since our committee had no opportunity to review this and it is not amendable on the floor and they would not accept that in good faith, let me point to an unintended effect here.

The way the bill is written, they are granting a blanket exemption to the industry, including paying passengers, until such a point as there is a serious injury or death, and then the full scope of the FAA's current regulations would come to bear.

What the gentleman is proposing here would essentially sanction the experimentation with lighter touch regulation at the outset, and I think that that might actually get us further down this road than what is being proposed here. But the unwillingness of the other side to even consider the implications of extending this to passengers and then whether or not that ever gets sunset or it takes some Member of Congress half a century from now to get that stripped from law, because you know it is 8 years in this bill, but then I can see it being extended and extended and extended and becoming a mature industry, just as the aviation industry did, with that provision still in place, until there is a horrible tragedy.

So I think having this light touch regulation for public interest and safety at the outset, given the expertise of the FAA, would be preferable to all concerned, and it would not stifle or strangle the industry in its nature.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, my colleagues have been suggesting over and over again that the FAA will be restricted from any regulation unless someone has died, and I believe that is an inaccurate reading of this bill.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, the language of the bill is limited to restricting or prohibiting design features or operating practices that have resulted in serious or fatal injury.

Mr. ROHRABACHER. Mr. Speaker, if the gentleman will yield, in the paragraph right after that says "or" at the end of the paragraph the gentleman is reading, or contributed to an unplanned event or series of events after licensed or permitted commercial human space flight that posed a high risk concerning a serious fatality.

What that means is that if there is a chance, if there is something to indicate—

The SPEAKER pro tempore (Mr. KLINE). The gentleman will suspend. The gentleman from Minnesota's (Mr. OBERSTAR) time has expired. There are 4 minutes remaining for the gentleman from Minnesota (Mr. OBERSTAR), and there are 5 minutes remaining for the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1 minute to finish this point.

Obviously, the gentleman is reading one paragraph, but the very next paragraph negates the criticism of the bill, and that is the very next paragraph underneath the one he is reading suggests that if there is a reason for the FAA to be concerned, if there is a flaw that can be pointed out, then it may step in to prevent a fatality or a serious accident.

The question is whether the FAA and the bureaucracy should be able to control the design of a new space launch vehicle before there are any problems. Should then the space launch bureaucrats, the people who are in government, who are in public service override the entrepreneur, override the scientist, override the experts and should they be in the pilot seat even if there is no indication that there is any problem with the design?

Now I think that would strangle the baby in the crib. In fact, it would destroy this fledgling industry and send it overseas.

What we are talking about is an aerospace industry that needs all the help it can get being limited from anybody paying for a flight and then sending their job overseas. That makes no sense at all.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 2 minutes.

Let us read further. After the language in the bill that says regulation shall be limited to restricting or prohibiting design features or operating practices that have resulted in serious or fatal injury to crew or space flight participants, it goes on to say, or contributed to an unplanned event or series of events. There is a whole series of conditions after this, but it is still subject to the first language that says you have got to die first, serious fatal accident, and I do not agree with what the gentleman is saying, that this is going to strangle.

First of all, we have time to come back next year in due course, in careful, thoughtful deliberation, in public hearings to expose this issue, have a discussion of it and report a bill back to the House with the appropriate safeguards and appropriately designate it the Rohrabacher space commercial space amendments bill so that the gentleman's parentage will be protected, but we should not have that parentage associated with fatalities.

Why would the gentleman object? Why would the gentleman not have discussed with us the safety issues when it

is the jurisdiction of this committee, and we do have some experience and expertise with it, give us appropriate time during this very rushed period?

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, the bill was referred to the Committee on Science and referred to the Subcommittee on Space and Aeronautics. We have spent 2 years of hard work on this. It was common knowledge in this body that this bill was in this committee. It was referred to us officially. It even came for a vote on the floor so that between that time we could have negotiated.

But let me note, before the bill passed on the floor there were two public hearings, a policy roundtable with the experts from all over the country and 6 months to negotiate.

Mr. OBERSTAR. Mr. Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1½ minutes. Let us take a look at what this bill will do and what is going to happen if it is voted down.

If this bill is voted down, we are told to vote this bill down because there is not enough regulation in the bill, regulatory power given to the FAA in the bill to protect the public. Well, there is protection in the bill, and there would be no protection, zero protection, if this bill goes down.

Voting against this bill will also expose the Federal Government to liability for licensed launches. All of a sudden, we have a situation where it is not a question of whether or not we are going to have something a year or 2 from now, after some magical time period, after working on this 2 years, if it is just brought back next year, after a short period of time, the problems will be solved. We are going to go through a time period when we basically have zero protection, and the Federal Government will be totally exposed to liability claims.

This bill will basically convince people who want to create this new industry, the space launch industry, that they should not do it in the United States of America. They will go overseas. This will strangle the industry in the cradle, as I said over and over again, and it will force these people to launch their rockets and build them overseas.

I would say that this bill actually prevents the government from regulating passenger safety, and this bill will go, yes, maybe not all the way we want, but we can come back in the next few years and add what we want. But, right now, to kill this bill would be totally going in the wrong direction.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from California (Mr. ROHRABACHER) has 2½ minutes remaining. The gentleman from Minnesota (Mr. OBERSTAR) has 2 minutes remaining.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me time.

Again, we could move forward with the liability exemptions absent this language, and the gentleman says that that would then mean that there would be a more dangerous situation prevailing, or is he perhaps saying we would not do the liability at all? Is that what he is saying, we would do nothing? Why not just move forward the liabilities, absent these provisions and these exclusions in the current legislation?

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, if I might add, because it puts the government and it puts the bureaucracy in the control of the project, rather than the designer, the entrepreneur and the scientist.

Mr. DEFAZIO. Mr. Speaker, how did we get to this point? If the government is so in control, how did they have this first flight if the government is overregulating and overcontrolling them?

Mr. ROHRABACHER. If the gentleman would further yield, that is what happens when we give the government the right to say yes or no to people who are making new designs on technology.

Mr. DEFAZIO. Mr. Speaker, reclaiming my time, if we just extended the existing liability exemptions and we were silent on these other issues, how would that be different than the circumstances which led to these first flights?

□ 1445

Mr. ROHRABACHER. How much time remains, Mr. Speaker?

The SPEAKER pro tempore (Mr. KLINE). The gentleman from California (Mr. ROHRABACHER) has 2½ minutes remaining, and the gentleman from Minnesota (Mr. OBERSTAR) has 1 minute remaining.

Mr. ROHRABACHER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT), the chairman of the full Committee on Science.

Mr. BOEHLERT. Mr. Speaker, let me remind my colleagues that the House passed earlier this year, by a vote of 402 to 1, an earlier version of this bill that gave the FAA less regulatory authority over commercial human space flight than does the bill before us today. Without this bill, the FAA will continue to license private space flights without adequate authority to protect either the safety of the public or the finances of the government. Please support H.R. 5382, just as you voted for the initial version back in March.

Today's bill is the equivalent of a conference report, as it reflects bipartisan negotiations within this body and with the other body. This is good legis-

lation; let us move it forward. Let us not stifle it. Let us not take the position of the equivalent of not letting the Wright Brothers test their ideas without first convincing Federal officials that nothing could go wrong.

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of my time in recognition that the other side has the right to close.

Yes, this bill was considered by the House earlier this year, but without this language; without any reference to safety and without any consideration.

And I disagree that there is no protection if this language were stricken. Under current law, and I am familiar with the commercial space flight activities of DOT and FAA, under current law, the DOT must issue a license to launch; and in the process of issuing that license to launch can insist on safety regulations if it takes an assertive stance and is concerned about safety of flight for experimental personnel and for commercial passengers.

But, again, I come back to our very modest proposal of language that, had we been included in the discussions that have been going on between the Committee on Science in the other body, if our side would have been included, we would have proposed language to prescribe minimum standards necessary for safety of design features and operation of a launch vehicle, taking into account the inherently risky nature of human space flight.

We can defeat this bill and come back later tonight with an amended version and fix it, or come back in the next Congress and do it right. Let us not do tombstone safety.

Mr. ROHRABACHER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I believe the opposition to this bill is coming from a fundamental misunderstanding of what the bill actually is all about, and there is some argument to say that Members, that the gentleman's committee was not engaged in this bill and, thus, he is upset about that and such and, thus, you do not understand it.

The fact is this bill is very clear. The staff of the Committee on Transportation and Infrastructure was always available to look at what we were doing. This was an open process. We have had negotiations on both sides of the aisle. The gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. LAMPSON) played important roles in developing this, as have all the Democrats on our committee. This has been a totally bipartisan effort.

But, Mr. Speaker, there is a misread that we are hearing today. We are hearing that the opposition comes from the fact that, well, the FAA can already regulate. That is a total misreading of what their FAA regulations are. The FAA can only regulate in terms of the safety of people who are not on that craft, meaning the safety

of the people on the ground. They cannot regulate based on the safety of people on the craft. That is what this is all about.

We want to develop spacecraft that people can ride on. And if we have the bureaucrats being able to control that, it will put a stranglehold on those people trying to develop these craft. It is fundamentally different than what the FAA has now with airplanes.

And, also, we have heard a total misreading of the bill again and again that there is no right in here for there to be regulation unless there has already been a fatality. That is not the case.

I urge Members to vote for this legislation. Do not strangle this industry and drive these entrepreneurs offshore. Create the jobs here.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROHRBACHER) that the House suspend the rules and pass the bill, H.R. 5382.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1078

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1078, the American History and Civics Education Act of 2003.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 49 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1928

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 7 o'clock and 28 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings

today on the remaining motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which a vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

EXTENSION OF MEDICARE COST-SHARING FOR THE MEDICARE PART B PREMIUM FOR QUALIFYING INDIVIDUALS THROUGH SEPTEMBER 2005

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2618) to amend title XIX of the Social Security Act to extend medicare cost-sharing for the medicare part B premium for qualifying individuals through September 2005.

The Clerk read as follows:

S. 2618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF MEDICARE COST-SHARING FOR THE MEDICARE PART B PREMIUM FOR QUALIFYING INDIVIDUALS.

(a) IN GENERAL.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking "2004" and inserting "2005".

(b) TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of the Social Security Act (42 U.S.C. 1396u-3(g)) is amended to read as follows:

"(g) SPECIAL RULES.—

"(1) IN GENERAL.—With respect to each period described in paragraph (2), a State shall select qualifying individuals, subject to paragraph (3), and provide such individuals with assistance, in accordance with the provisions of this section as in effect with respect to calendar year 2003, except that for such purpose—

"(A) references in the preceding subsections of this section to a year, whether fiscal or calendar, shall be deemed to be references to such period; and

"(B) the total allocation amount under subsection (c) for such period shall be the amount described in paragraph (2) for that period.

"(2) PERIODS AND TOTAL ALLOCATION AMOUNTS DESCRIBED.—For purposes of this subsection—

"(A) for the period that begins on January 1, 2004, and ends on September 30, 2004, the total allocation amount is \$300,000,000;

"(B) for the period that begins on October 1, 2004, and ends on December 31, 2004, the total allocation amount is \$100,000,000; and

"(C) for the period that begins on January 1, 2005, and ends on September 30, 2005, the total allocation amount is \$300,000,000.

"(3) RULES FOR PERIODS THAT BEGIN AFTER JANUARY 1.—For any specific period described in subparagraph (B) of paragraph (2), the following applies:

"(A) The specific period shall be treated as a continuation of the immediately preceding period in that calendar year for purposes of applying subsection (b)(2) and qualifying individuals who received assistance in the last month of such immediately preceding period shall be deemed to be selected for the specific period (without the need to complete an application for assistance for such period).

"(B) The limit to be applied under subsection (b)(3) for the specific period shall be the same as the limit applied under such sub-

section for the immediately preceding period.

"(C) The ratio to be applied under subsection (c)(2) for the specific period shall be the same as the ratio applied under such subsection for the immediately preceding period."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from Massachusetts (Mr. OLIVER) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. BARTON).

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to, first of all, commend the gentleman from Michigan (Mr. DINGELL) and the gentleman from Ohio (Mr. BROWN) for helping to expedite this piece of legislation. They could not be on the floor, so we have the distinguished gentleman from Massachusetts who is going to control their floor time, and I want to thank him for his help.

I am reluctantly doing this this evening, not because of the merits of the bill. I support the merits of the bill, but I do not support the procedure under which we are doing this and the reluctance of the other body to find a way to help pay for what we are about to do.

□ 1930

This Congress should be taking serious steps to address our budget problems and our growing Federal debt. The President who just won reelection, 52 percent of the vote, has told America that deficit reduction will be one of his highest priorities, and I would like to have the other body begin to join this body and the President of the United States in making that a reality.

Senate 2618 is a good bill. It will extend for one year additional funding for the Medicare Qualified Individual Program, better known as the QI program. This program will allow approximately 160,000 low-income beneficiaries enrolled in the program to continue to receive assistance to pay for their Medicare part B premium which is optional. That is fair and appropriate.

We began to help subsidize those premium payments back in 1997, so we have been doing it now for the last 7 years. I support that. I think it is appropriate to help our low-income seniors help pay for their Medicare option part B coverage, but I also think we ought to have a way to help pay for that subsidy. This bill does not do that.

I think we need to begin to address the problem of mandatory automatic

entitlement growth, and to extend a program like this where we could have an offset to pay for it, in my opinion, is inexcusable.

It has been said that nobody notices a deficit until its weight finally collapses the government. I do not intend to ever let that happen, and we could be taking a small step to lessen that load today. Regrettably we are not.

Let me state what we have done in the last 2 weeks. Again, the underlying bill that we are passing is a good piece of legislation, and I support that. The Speaker of the House supports it. The majority leader supports it. The ranking member on the Committee on Energy and Commerce, the ranking member on the subcommittee, the subcommittee chairman, the full committee chairman, we all support it; but we found a way to pay for this bill. We found out that under existing law people that receive prescription drug benefits that are paid for by Medicare, the person that actually provides a prescription can file paperwork to get an automatic rebate from the drug manufacturer. It is in the law. We do not force the person who is providing the prescription to actually apply for the rebate. So we have some providers of prescriptions who for whatever reason do not fill out the necessary paperwork to get the automatic rebate that has already been negotiated.

The offset that we came out with in the House was to simply say that if there was a drug rebate that had already been negotiated, you had to file for it and receive it so you could give that rebate to the State and the Federal Government. That would save approximately \$140 million over the life of the extension. The White House supported it. CNS supported it. The House supported it, but the other body did not support it. They wanted to extend the program but not provide an offset to help pay for the extension.

Now, I offered this afternoon to pull this bill back and try to work out something that when we first got back in the next Congress we could do the offset. The Speaker and the majority leader felt like we needed to go ahead and pass this bill this evening, and I am going to go ahead and do that. It is a good bill. It needs to be passed. We need to provide this additional supplemental assistance for low-income seniors to pay for their part B prescription drug benefit. But this is the last time as chairman of the Committee on Energy and Commerce that I am going to extend an entitlement program without some sort of an offset.

So for tonight we can say that this is the beginning of the Barton doctrine. I hope in the next year or so it becomes the Bush-Hastert-Frist, even the Pelosi, red doctrine, that we can work on a bipartisan basis, bicameral with the administration, that as we extend the existing entitlement programs and create new ones, we come up with a way to pay for them. But for this evening I rise to support the passage of this bill.

It will provide much needed assistance for 160,000 low-income seniors for the next year. In the next year, I am going to work with interested parties in the administration, the other body and this body to come up with reforms that continue these necessary benefits but also come up with a way to pay for them.

Mr. Speaker, I reserve the balance of my time.

Mr. OLVER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to confirm what the gentleman from Texas (Mr. BARTON) has already indicated, that the ranking member of the Committee on Commerce is in full support of this bill.

The chairman has also indicated that the ranking member of the subcommittee, the gentleman from Ohio (Mr. BROWN), is in full support of the legislation, and I think that indicates that the Committee on Commerce members on our side of the aisle are in support of the legislation, and I think our whole caucus would be very supportive of that legislation.

Mr. DINGELL. Mr. Speaker, I rise in support of this legislation to reauthorize the Qualified Individual program, or QI. This program helps low-income Medicare beneficiaries, who earn just a little too much to qualify for Medicaid assistance, but are still struggling with living and health care costs. The QI program pays the cost of the Medicare Part B premium for seniors with incomes of approximately \$11,000 to \$12,500 a year. This is a good program that helps thousands of low-income seniors each year.

The initial program was a block grant enacted in 1997. Because it expired in 2002, Congress has had to reauthorize this program a number of times since then. However, the uncertainty surrounding funding for this program has had a dampening effect on enrollment. States are hesitant to reach out to eligible individuals, resulting in artificially low enrollment figures. I hope that my colleagues across the aisle will join me in fixing this problem in the future—but, I am pleased that we are at least extending this program an additional year, through September 2005.

I thank Senators GRASSLEY, BAUCUS, BINGAMAN, LAUTENBERG, and SMITH for their work in the Senate, and thank Chairman BARTON, Chairman BILIRAKIS, and Ranking Member BROWN for their work in the House.

Mr. ISRAEL. Mr. Speaker, this past September I was contacted by officials in the two counties that I represent urging me to do everything I could to extend the Qualifying Individual-1, QI-1, program. This important program gives Federal money to State Medicaid programs to pay for the Part B premium for low-income seniors. They stressed extending the program is particularly important this year as the Medicare Part B premiums are increasing over 17 percent from \$66.60 to \$78.20.

Medicare Part B is theoretically voluntary, but in reality is necessary for any senior who does not have some form supplemental insurance. Medicare Part B covers outpatient services, doctor visits, and other health care services not covered by the Hospital Insurance component of Medicare Part A.

Unfortunately, seniors must pay a premium for Medicare Part B. Low-income seniors live

on very tight budgets. If Congress allowed this program to expire, there would be a number of low-income seniors who would have to decide if the monthly \$78.20 would be better spent on food rather than on their health care premium.

I responded to local officials by introducing legislation that would extend this program for another year. My legislation is identical to the Senate bill that we are voting on today. It extends this vital program for another year, and I am proud to have sponsored it in the House.

I was not the only Member to respond to this call. Representative JIM SAXTON and I both introduced this bill. Two Members of Congress in different parties introducing the same bill shows the universal support for this bill.

The QI-1 program has been to the brink of expiring before. It was enacted as part of the Balanced Budget Agreement of 1997 and was originally scheduled to expire in December of 2002. Since the program has proved to be vital for low-income seniors, it has been extended a number of times through continuing resolutions, TANF reauthorization, and it was last extended in the Medicare Modernization Act. The last extension expired on September 30, 2004; however, it was extended through a continuing resolution through November 20, 2004.

I am very happy and relieved that QI-1 program will be extended for another year. It is my hope that next year, Congress will enact legislation that permanently extends this program. Our low-income seniors and their advocates should not be made to deal with the emotional roller coaster each year, while this program comes so close to ending.

I urge my colleagues to pass this legislation and I look forward to working with them to enact legislation that makes this program permanent.

Mr. OLVER. Mr. Speaker, I yield back the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the Senate bill, S. 2618.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PETRIFIED FOREST NATIONAL PARK EXPANSION ACT OF 2004

Mr. RENZI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1630) to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

On page 2, line 9, strike "June" and insert "July".

Mr. RENZI (during the reading). Mr. Speaker, I ask unanimous consent that

the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Arizona?

There was no objection.

A motion to reconsider was laid on the table.

NATIONAL VISITING NURSE ASSOCIATION WEEK

Mr. MURPHY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 8) expressing the sense of Congress that there should be established a National Visiting Nurse Association Week, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the consideration of the concurrent resolution?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 8

Whereas visiting nurse associations ("VNAs") are nonprofit home health agencies that, for more than 120 years, have been united in their mission to provide cost-effective and compassionate home and community-based health care to individuals, regardless of the individuals' condition or ability to pay for services;

Whereas there are approximately 500 visiting nurse associations, which employ more than 90,000 clinicians, provide health care to more than 4,000,000 people each year, and provide a critical safety net in communities by developing a network of community support services that enable individuals to live independently at home;

Whereas visiting nurse associations have historically served as primary public health care providers in their communities, and are today one of the largest providers of mass immunizations in the medicare program (delivering more than 2,500,000 influenza immunizations annually);

Whereas visiting nurse associations are often the home health providers of last resort, serving the most chronic of conditions (such as congestive heart failure, chronic obstructive pulmonary disease, AIDS, and quadriplegia) and individuals with the least ability to pay for services (more than 50 percent of all medicaid home health admissions are by visiting nurse associations);

Whereas any visiting nurse association budget surplus is reinvested in supporting the association's mission through services, including charity care, adult day care centers, wellness clinics, Meals-on-Wheels, and immunization programs;

Whereas visiting nurse associations and other nonprofit home health agencies care for the highest percentage of terminally ill and bedridden patients;

Whereas thousands of visiting nurse association volunteers across the Nation devote time serving as individual agency board members, raising funds, visiting patients in their homes, assisting in wellness clinics, and delivering meals to patients;

Whereas the establishment of a National Visiting Nurse Association Week would in-

crease public awareness of the charity-based missions of visiting nurse associations and of their ability to meet the needs of chronically ill and disabled individuals who prefer to live at home rather than in a nursing home, and would spotlight preventive health clinics, adult day care programs, and other customized wellness programs that meet local community needs; and

Whereas the second week of May 2005 is an appropriate week to establish as National Visiting Nurse Association Week: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that there should be established a National Visiting Nurse Association Week.

Mr. MURPHY. Mr. Speaker, I rise in support of S. Con. Res. 8, a resolution to establish an annual National Visiting Nurse Associations Week in honor of these health care heroes who are dedicated to service in the ultimate caring profession.

The Visiting Nurse Associations, VNAs, of today are founded on the principle that people who are sick, disabled and elderly benefit most from health care when it is offered in their own homes.

Home care is an increasingly important part of our health care system today.

The kinds of highly skilled—and often technically complex—services that the VNAs provide have enabled millions of our most frail and vulnerable patients to avoid hospitals and nursing homes and stay just where they want to be—in the comfort and security of their own homes.

They made a critical difference when they started in the late 19th century, and are making a critical difference now as we embark upon the 21st.

There currently are approximately 500 VNAs nationwide.

Through these exceptional organizations, 90,000 clinicians dedicate their lives to bringing health care into the homes of an estimated 3 million Americans every year.

VNAs are truly the heart of home care in this country today, and it is time for Congress to recognize the vital services that visiting nurses provide to their patients and their families.

I urge my colleagues to support this resolution establishing an annual National Visiting Nurse Associations' Week.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

DONALD G. BROTZMAN POST OFFICE BUILDING

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the bill (H.R. 5370) to designate the facility of the United States Postal Service located at 4985 Moorhead Avenue in Boulder, Colorado, as the "Donald G. Brotzman Post Office Building," and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5370

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DONALD G. BROTZMAN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4985 Moorhead Avenue in Boulder, Colorado, shall be known and designated as the "Donald G. Brotzman Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Donald G. Brotzman Post Office Building.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. Con. Res. 8 and H.R. 5370.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

HONORING THE LIFE OF ASTRO-NAUT LEROY GORDON COOPER, JR.

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent that the Committee on Science be discharged from further consideration of the resolution (H. Res. 847) honoring the life of astronaut Leroy Gordon Cooper, Jr., and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 847

Whereas Leroy Gordon Cooper, Jr., was born on March 6, 1927, in Shawnee, Oklahoma;

Whereas Gordon Cooper served as a colonel in the United States Air Force and was selected as one of the original Project Mercury astronauts in April of 1959;

Whereas, when Gordon Cooper piloted the Faith 7 spacecraft on the final operational mission of Project Mercury from May 15 to May 16, 1963, he traveled a total of 546,167 statute miles and became the first astronaut from the United States to spend more than a day in space;

Whereas, when Gordon Cooper served as command pilot on the 8-day 120-orbit Gemini 5 mission that began on August 21, 1965, he and pilot Charles Conrad established a new space endurance record by traveling a distance of 3,312,993 miles in an elapsed time of 190 hours and 56 minutes;

Whereas Gordon Cooper was the first man to go into space for a second time;

Whereas Gordon Cooper served as backup command pilot for the Gemini 12 mission and

as backup commander for the Apollo 10 flight;

Whereas Gordon Cooper logged 222 hours in space and retired from the Air Force and the National Aeronautics and Space Administration in 1970;

Whereas the special honors Gordon Cooper received during his lifetime included the Air Force Distinguished Flying Cross, the National Aeronautics and Space Administration Distinguished Service Medal, and the John F. Kennedy Trophy; and

Whereas Gordon Cooper passed away at his home in Ventura, California, on October 4, 2004, at the age of 77: Now, therefore, be it

Resolved, That the House of Representatives honors the life of astronaut Leroy Gordon Cooper, Jr.

Mr. BALLENGER. Mr. Speaker, during this Congress, the President has laid out a bold plan to return men to the moon and then go on to Mars as we begin to explore the wonders of our solar system, a vision that would not be possible were it not for a group of exceptional men who stepped forward to accept our Nation's Manifest Destiny of the 20th century. In those very early days some 45 years ago, we were behind in the race into space. The Russians had put the first satellite into orbit, sent the first living creature into space, and were the first to send an object to the Moon. American prestige was suffering around the world, and President Eisenhower and the Congress realized that things had to change.

In response to that challenge, they created NASA and along with it, Project Mercury, the initial step that got us to the moon first. But those were difficult days. Our scientists and engineers were struggling to build rockets that were capable of lifting the heavy payloads needed to get us there, and those rockets would explode in gigantic fireballs almost as often as they didn't. Being strapped inside a flying bomb and hurled into space at 17,000 miles an hour was hazardous duty of the highest order, but in April 1959, the Nation chose seven courageous men who were willing to put the interests of the Nation ahead of their own.

One of these was Leroy Gordon Cooper, Jr., a native of Shawnee, OK, a colonel in the U.S. Air Force and a test pilot who logged more than 7,000 hours flying time—4,000 of which were in jet aircraft. They called him "Gordo", and in May 1963, he became the first American to orbit the earth for more than a day. Two years later along with astronaut Peter Conrad, Gordon Cooper set a new space endurance record by traveling more than 3 million miles as the command pilot of the Gemini 5 mission and demonstrated for the first time that men could live and work in space long enough to make the trip to the Moon and back.

He continued to support our national goal of landing a man on the Moon by serving as the backup command pilot for the Gemini 12 mission in 1966 and as backup commander for the Apollo 10 trip to the moon in 1969, logging a total of 222 hours in space and receiving a number of special honors along the way before he retired in 1970.

Mr. Speaker, I remain convinced that the exploration of space in many ways holds the key to our future here on earth. Just as it was when Gordon Cooper first went into space more than 40 years ago, space travel remains a dangerous business. We have experienced some setbacks along the way, and yet it remains our destiny. In future years as we ex-

plore the moon and beyond, the successes that we will enjoy and the wonders that we will find on the other side will have been made possible by the courage and devotion to country of men like Gordon Cooper, and it is with great pleasure that I rise today in support of House Resolution 847 to honor his gifts to our Nation.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 847.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members for Special Order speeches without prejudice to the possible resumption of the legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

woman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

(Mr. DUNCAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

(Mr. STUPAK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BOOZMAN) is recognized for 5 minutes.

(Mr. BOOZMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. ORTIZ) is recognized for 5 minutes.

(Mr. ORTIZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

(Mr. DOGGETT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. REYES) is recognized for 5 minutes.

(Mr. REYES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

(Mr. GONZALEZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

(Ms. EDDIE BERNICE JOHNSON of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

(Mr. GREEN of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HINOJOSA) is recognized for 5 minutes.

(Mr. HINOJOSA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. EDWARDS) is recognized for 5 minutes.

(Mr. EDWARDS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

(Mr. FRANK of Massachusetts addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

OCEAN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. GILCHREST) is recognized for 5 minutes.

Mr. GILCHREST. Mr. Speaker, the Republicans have been in the majority for basically 10 years, and we have done a number of very positive things. What I would like to speak to this august body about tonight is an issue of oceans.

In 1994, when the Republican majority took over, they began to reorganize the committee process. At that time, they wanted to make it more applicable to the Members to represent their districts, to represent their regions and to be more efficiently organized, to spend the taxpayers dollars wisely.

What we did, however, was to consider that we will continue to reorganize the process as the years went by to ensure that Members had an opportunity to serve on the committee that not only represented their districts, but that also represented their desire to be a visionary Member of this Congress.

□ 1945

One of the committees that was eliminated was the Merchant Marine and Fisheries Committee that dealt with oceans issues, fisheries issues, the Great Lakes and things of that nature.

The reason that one single standing committee was important was because there are billions and billions and billions of dollars that are generated in the U.S. economy as a result of the world's, and especially the jurisdiction of the oceans, that fall in the United States, of the oceans, whether that is trade, whether that is commercial fisheries, recreational fisheries, marine habitat, the weather, the climate, the

rain that sustains the country. All of these issues are dealt with because of ocean and Great Lakes issues.

The committee, however, was reduced to a subcommittee and put under the jurisdiction of the Interior Committee which was renamed the Committee on Resources.

There is still a great deal of effort to put forth a good ocean policy by the Federal Government. However, since the full committee was reduced to a subcommittee, much of the jurisdiction was taken away. On the House side, there are 19 full and subcommittees that deal with a myriad of ocean issues; and, as a result of that, even though committees work well together in their area of jurisdiction, the issues dealing with oceans are relegated to a very small piece of any one single committee, even the Committee on Resources, where that full standing committee became a subcommittee.

Because the issues are so fragmented, there is no one particular center of gravity to develop policy, in my judgment, for the U.S. ocean policy.

What I am suggesting that we do in the next Congress is that we create a standing committee that has full jurisdiction over the oceans, that takes that \$120 billion annual economy that is generated by oceans, that deals with the commercial fishing activity from Alaska to Hawaii, to the Pacific, to the Gulf of Mexico, to the Atlantic Ocean, an area whose jurisdiction is larger than the 50 States combined. We take all of those issues and we combine it into one full committee, and that one full committee will have jurisdiction over the issues that are dealt with as far as the oceans are concerned.

Let us just take commercial fishing activity, for example. Everybody has gone into a store and purchased fish. Everybody has gone into a restaurant and ordered fish. That generates billions upon billions of economic activity. But 75 percent of the commercial fish caught in U.S. waters spawn in tidal estuaries, and one of the problems with tidal estuaries is they are being polluted. They are being fragmented. They are being dammed. They are being degraded in a whole host of ways. And there is not really one single entity in the Federal Government that can work with the State government, the private sector and various groups to take a look at the loss, which is as much as 20,000 acres on an annual basis.

So just on the perspective of an economic agenda I feel confident that an oceans committee, which would be the center for the perspective on developing coordinated U.S. policy on oceans issues, is vital in the next Congress.

So, Mr. Speaker, I would urge my colleagues, when this comes up for an issue, to vote favorably in this direction.

ASKING ADMINISTRATION TO URGE A U.S. VOTE AGAINST AZERBAIJAN'S U.N. RESOLUTION

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to bring to our attention Azerbaijan's recent introduction of an ill-advised United Nations General Assembly resolution regarding what Azerbaijan erroneously refers to as "the situation in the occupied territories of Azerbaijan."

This intentionally disruptive resolution directly and significantly threatens efforts towards a peaceful settlement over the Nagorno-Karabagh conflict. Furthermore, it jeopardizes the principles and procedures of the Organization for Security and Cooperation in Europe and specifically the Minsk Group mediation effort, co-chaired by the United States, France and Russia, to resolve the Karabagh conflict.

Azerbaijan's proposal represents a hostile declaration against the entire peace process, aimed only at fostering increased divisiveness. Its consideration can only set back the cause of peace.

Mr. Speaker, it is disturbing to note that this resolution was recently approved to be included on the U.N. General Assembly's agenda. Even more alarming is the fact that the United States has thus far failed to compellingly address the resolution, choosing to instead abstain from every vote in which they had an opportunity to halt the advancement of this destructive measure. This failure by the administration now has the potential to undermine U.S. interests and American values in the strategically important Caucasus region.

Mr. Speaker, the vital role the United States plays as an honest broker in the Nagorno-Karabagh peace process is gravely threatened by the administration's continued lack of decisive action. Given our commitment to keeping the parties talking and moving forward, it is necessary for the U.S. to act forcefully against destabilizing steps that will unravel the peace process. Our interests are best served by the continuation of dialogue on the outstanding issues related to Nagorno-Karabagh within the OSCE framework and not by the fragmentation of this orderly process.

Since the beginning of the Nagorno-Karabagh conflict, Armenia has been committed to finding a peaceful solution. Moreover, I cannot stress enough the crucial role that the U.S. plays in the negotiations over Nagorno-Karabagh to help the people of this region find a lasting and equitable peace. These actions by Azerbaijan subvert these efforts and seriously complicate our diplomacy in the Caucasus region. A failure on our part to forcefully and

publicly confront the Azerbaijani government over these destabilizing maneuvers would send extremely dangerous signals to Azerbaijan.

Mr. Speaker, the U.S. must take action to condemn Azerbaijan's desperate acts of destructive venue shopping, and we here in this Chamber must do everything that we can to ensure that all parties involved in this conflict make a genuine commitment towards peace and stability. Action on the part of the U.S. must go further than the OSCE joint statement that was released in which the members of the Minsk Group expressed their concern and opposition towards the Azeri resolution. Beyond merely releasing a statement, the U.S. must demonstrate its views by taking a stance and voting against this measure.

I urge the U.S. to forcefully renounce this proposal, secure its retraction and impress upon the Azerbaijani government that it should drop such counterproductive tactics in favor of serious and lasting commitment to the OSCE Minsk Group process.

The OSCE Minsk Group process cannot survive Azerbaijan's destabilizing tactics. Continued tampering with this process will inevitably produce a chain reaction resulting in its demise. We cannot afford to allow Azerbaijan to continue to disrupt the work of the OSCE, which, as my colleagues know, has been recognized by the U.N. itself as the lead arbiter in this conflict.

Finally, it is time for the U.S. to be more forceful with Azerbaijan and to make clear that their tactics are not helpful to a peaceful and just resolution of the Nagorno-Karabagh conflict. Once again, it is imperative, Mr. Speaker, for the U.S. to vote against this U.N. resolution, thereby clearly demonstrating that there are serious consequences to actions that disturb the regional Caucasus peace, security and prosperity.

THANKING MARY HOWARD FOR A LIFETIME OF PUBLIC SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. WILSON) is recognized for 5 minutes.

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to thank one of South Carolina's finest ladies, Mary Talbert Howard, for her lifetime of public service.

Mary will conclude her full-time service to the people of South Carolina when she retires at the end of this year. Active in the Lexington, South Carolina, community since 1973, Mary served with my predecessor and mentor, the late Congressman Floyd D. Spence. In 2001, she graciously agreed to stay on as the District Director for the Second Congressional District of South Carolina.

A native of Hartsville in Darlington County, South Carolina, Mary attended the Hartsville schools, Limestone College and graduated from the University

of South Carolina with a BA in education. She began her employment with the late Congressman Floyd Spence in 1981, after successfully serving as Spence for Congress campaign office manager, and she became District Director in 1992. Her responsibilities included representing the Congressman at all events throughout the Second Congressional District, handling of all constituent concerns, meeting with the local and State government officials and attending all local and State civic group meetings.

Mary has been active in the Lexington Women's Club since 1973 and served in many of the officer positions, including president. She also served as district and State legislative chairman for the State Federation of Women's Clubs.

Mary has also served as president of the Riverbanks Zoo Society, as an active member of the Lexington Medical Center Board, as Corresponding Secretary of Friends of the Lexington County Museum, and as a board member of the Lexington Arts Association.

She has been a delegate to the State and county Republican convention since 1980.

Mary is a member of St. Peter's Lutheran Church, where she served on the Worship and Music Committee and is a former Sunday schoolteacher.

Mary is married to Jerry Howard, and they have three children: G.G. Howard Culpepper, Melissa Howard Henshaw and Amy Talbert Howard. She also has two grandchildren, Cate and Jerrod.

In all the years that I have worked with Mary, she has always served with grace and dignity, and I have been extremely honored to have her represent me these last 3 years. She will always be a close, personal friend of the Wilson family, and Roxanne and I wish her and her husband Jerry all the best in their future.

I ask all of my colleagues to join me in thanking Mary Howard for her commitment to serving her community with excellence.

In conclusion, God bless our troops; and we will never forget September 11.

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore (Mr. PENCE). Is there objection to the request of the gentleman from New York?

There was no objection.

HONORING CONGRESSMAN AMO HOUGHTON AND CONGRESSMAN JACK QUINN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WALSH) is recognized for 5 minutes.

Mr. WALSH. Mr. Speaker, in the rush of events at the end of this session, the New York delegation has attempted to set aside some time to recognize the distinguished careers of two of our colleagues who are retiring at the end of this session. What I intend to do is make a brief statement and then reach out to my colleagues, both sides of the aisle, to give them the opportunity to provide remarks to acknowledge the great service of these two men.

First, our colleague from Corning, New York, AMO HOUGHTON. AMORY HOUGHTON came to the Congress in 1986, was appointed to the Committee on Ways and Means, has served as a subcommittee chairman and has done great work not only on tax policy and health care policy but, also, he has been a dedicated global citizen. He has been involved in Africa and in other troubled places around the world where his gentle, thoughtful approach to problem solving has been respected and has brought great credit to not only to him but to our country.

He has been a great adviser, counselor to me; and his service to our State has been no less than remarkable. We will miss him very, very much. He will leave a tremendous void in our delegation, and we wish him all good health, and a long and enjoyable retirement with his beloved wife Priscilla.

Our other colleague who is completing his career at the end of this session is my good friend JACK QUINN, who represented Buffalo, New York. His home is in Hamburg, New York, where he served as supervisor. He came to the Congress in, I believe, 1992, was appointed to the Committee on Transportation, served as the subcommittee chairman on railroads for an extended period of time and set very important policy regarding our rail lines around the country.

□ 2000

JACK, as all of us know, has a very personable, delightful personality. He is a hard-working, dedicated family man who always brought joy and laughter wherever he traveled. He is a close personal friend, someone that we all respect, and someone we will all dearly miss as he proceeds into his next iteration, whatever that may be. We all know he will be successful at whatever he does, and we wish him all the best.

To both my colleagues, the gentleman from New York (Mr. HOUGHTON) and the gentleman from New York (Mr. QUINN), we bid them adieu. We know you are not going far away. We hope to see you on a regular basis.

Mr. RANGEL. Mr. Speaker, the House of Representatives is losing an extraordinary man in Congressman AMO HOUGHTON. He has been my colleague in the House, in the New York Delegation and the Committee on Ways & Means. I have been privileged in every way to be his colleague, as there is no one who more exemplifies public service.

AMO HOUGHTON is of a distinguished and affluent family, yet he is interested in neither

wealth nor leisure, forging a career dedicated to serving his fellow man. Throughout his significant career, Mr. HOUGHTON represented one of the more economically depressed districts in New York State, a fact that never deterred him from trying to improve the economy of the New York Southern Tier. He was a successful businessman before becoming a politician, and it has been said that he would surely have become a missionary, had he not been elected.

AMO HOUGHTON quickly became one of the most beloved Members from either side of the aisle, most likely because of his unifying nature; Mr. HOUGHTON was not one to participate in partisan sniping, always calling for understanding and compromise. Never neglecting any of New York's citizens, he pledged his complete attention and support to those in New York City, the suburbs and many smaller cities and rural communities, like those in his district.

The House will find itself at a loss without the talents and graces of this remarkable man. It will miss his civility and his wisdom, his spirit and determination, but it will be his optimism for our Republic and his respect for the beauty of human life that will be missed most of all.

Mr. Speaker, I rise to honor the career of Representative JACK QUINN, one of the most optimistic Members I have met. I have had the pleasure of serving with JACK since 1993; he is a man who signified the old values of the Republican Party in New York. Mr. QUINN's respect for the working class, fiscal responsibility and civil rights are lasting testaments to his impressive legacy.

It could not have been an easy task in representing the City of Buffalo, which has suffered so many devastating economic downturns over the past few decades, yet Mr. QUINN was constantly re-elected in a district overwhelmingly comprised of registered Democrats. This fact is a tribute to his keen understanding of the needs of his constituents even where they may contradict with the leadership in the House of Representatives.

JACK QUINN is one of those Members for whom no one has a bad word and with whom no one has had a bad experience. He has the range to be comfortable with factory workers to business leaders to Democrats and Republicans alike. His independent nature and policies are deserving of the highest mark of honor; a man of JACK QUINN's poise and positive energy will be sorely missed in the halls of Congress.

HONORING DEPARTING TEXANS

The SPEAKER pro tempore (Mr. PENCE). Under a previous order of the House, the gentleman from Texas (Mr. HINOJOSA) is recognized for 5 minutes.

Mr. HINOJOSA. Mr. Speaker, it is with a sad heart that I rise to say goodbye to six of my colleagues from Texas who will not be returning to this body next year. All of these men have been dedicated patriots who have served the State of Texas and this country with honor and distinction.

The gentleman from Texas (Mr. FROST) has faced the challenges of serving as the dean of the Texas Democrats for years and has fought to ensure that the rules of this House are fairly enforced.

This Nation's farmers and ranchers have had no better friend or advocate than the gentleman from Texas (Mr. STENHOLM). He has been our conscience on fiscal responsibility, and I hope that we will take his remarks last night to heart as we begin the budget debate next year.

After the tragic events of 9/11, we created the Select Committee on Homeland Security. As the committee's first ranking member, the gentleman from Texas (Mr. TURNER), has fought to increase funding for critical infrastructure protection and has brought national attention to the serious manpower and infrastructure shortages along our southern border.

The Texas border region is losing my colleague and good friend, the gentleman from Texas (Mr. RODRIGUEZ), who has worked tirelessly to address the health care crisis that is facing the southern border communities. As the chairman of the Congressional Hispanic Caucus this past year, CIRO RODRIGUEZ has continued to focus national attention on issues important to the Hispanic community.

The gentleman from Texas (Mr. LAMPSON) has protected our children through his national leadership on the issue of missing and exploited children.

The gentleman from Texas (Mr. SANDLIN) has been a strong member of the Blue Dog Caucus and was instrumental in securing our airways through his work on the Aviation Security Act.

Finally, Mr. Speaker, I was proud to serve on the Committee on Financial Services with one of my newer members of the Texas delegation, the gentleman from Texas (Mr. BELL). He and I worked on legislation which focused on the financial literacy of all people. I appreciate his strong support of my efforts to improve math and science education in this country.

Mr. Speaker, all of these Members from Texas have given invaluable service to this Nation, and the 109th Congress will be poorer for their absence. I wish them all the best.

MEDICAL MALPRACTICE INSURANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the majority leader.

Mr. GINGREY. Mr. Speaker, we just finished our elections, and we hear a lot of browbeating and weeping and gnashing of teeth from the other side of the aisle concerning what went wrong. Goodness gracious, what in the world went wrong? We thought we ran a good campaign. We were ready to elect a President, we were ready to take over the House, we were ready to get the majority in the House and the Senate, and none of those things happened.

Of course the pundits are on television every day, 24 hours a day it

seems, talking about exactly what went wrong. And there is a lot of talk, of course, about the issue of moral values, traditional family values, and Christianity. I am sure that that had something to do with it. But I will stand here today, Mr. Speaker, and say to my colleagues that I ran a race in which I won with 57.4 percent against an opponent on the other side of the aisle who I think was a very strong Christian man, a good man, and one who had great values. But he was running on a party platform that did not embrace those traditional values that mean so much to I think middle America and those of us where I come from in Georgia.

But I think it goes beyond that. I think it goes far beyond that. And I would suggest to my friends on the other side of the aisle, as they try to play Monday morning quarterback and figure out what went wrong, to think about issues like medical liability reform and the fact that the Nation, 75 percent or more, the American people in every poll that has ever been done, are very much in favor of medical liability reform. And yet an issue like that, which really should not be a partisan issue, because there is absolutely no reason why access to health care and fixing a broken system should come down along party lines, certainly did become partisan. It did in this body, and it did in the other body.

In March of 2003, the HEALTH Act was passed in this House Chamber, as my colleagues know, and there were Members of the Democratic minority who voted for the bill, but only a few, only a handful, and practically none in the other body. So today, as we stand here going into the 109th Congress and President Bush's second term, we once again have a chance, an even better chance, I think, to get medical liability reform passed because we have increased our margins in the other body.

So there are a lot of reasons you can look back and try to figure out why you lost, but that is one, I think, that my Democrat colleagues need to take a close look at. When this issue comes before us in the 109th, if you want to do something positive, if you want to respond to the will of the American people, this is certainly a great first step. I would encourage my friends on the other side of the aisle and my fellow Republicans in the House and the Members in the other body that it is time. The American people want this. They need it.

Access to health care is hugely important. We are seeing more and more physicians, and I will get to some specific numbers a little later regarding doctors in high-risk specialties, like neurosurgery, emergency room physicians, and OB-GYN, which is my specialty. I think all my colleagues know that in my prior life I practiced medicine for almost 30 years, and as a pro-life OB-GYN physician, delivering those 5,200 babies. Many of my colleagues in that specialty are dropping

out at the very peak of their practice productivity, in their late 40s, early 50s. They are literally trading their stethoscopes for a fishing rod or a set of golf clubs. They do not want to do that, but they have been forced to.

I have a number of posters here, Mr. Speaker, that I want my colleagues to pay attention to, which really give testimonials to the statistics. Maybe my colleagues know some of these individuals, or individuals just like them, or families who have suffered because, when they went to the emergency room, there was no emergency-room physician to take care of their injured child or their loved one who had had a stroke and needed immediate care from a neurosurgeon.

Just look at some of these posters. This is talking about women's health care in particular. Women's Health in Jeopardy: A pregnant Texas woman was forced to drive 80 miles to a San Antonio hospital because her family doctor in her rural hometown had stopped delivering babies because of malpractice insurance concern. This was in the Fort Worth Star Telegram January of 2003.

Nationwide, doctors are leaving and patients are suffering. Look at these people. Look at these physicians. I do not know if my colleagues can see some of these posters, but they are not saying "Vote for George W. Bush, or Reelect Bush, or Vote For Kerry and Edwards, or I am a Democrat, I am a Republican." They are saying "tort reform now."

Insurance rates are driving doctors out of business. What good is insurance, health insurance, if you cannot find a doctor to provide the care, and on and on and on? Look at some of these headlines, Mr. Speaker: "Doctors Protesting Skyrocketing Malpractice Premiums." Springfield State Journal Register, February 2003. "Malpractice Insurance Prices Send Physicians to the Streets." USA Today, February 2003. "Caps on Noneconomic Damages Most Common Solution Considered by States in Crisis."

There are twelve States in crisis, and 30 more near crisis. If my colleagues do a little quick math, that is 42 out of 50 that are either in crisis or near crisis today. USA article, February 2003. "Medical Malpractice Premiums Jump 50 Percent, Average Cost Tops \$1.4 Million Per Hospital." PR news wire, January of 2003.

It is not just the physicians; it is the hospitals that are suffering as well, many of whom are self-insured up to probably \$10 million, \$15 million, or \$20 million; and it is literally driving the small rural hospitals out of business. And in so many instances, the hospitals and the school system might be the only two employers in a whole county, or the two major employers in a whole county. When you shut them down, you are talking about job loss.

So this is really an economic issue. It is a health issue, no question about that. Lack of access to health care is a

real tragedy and a real crisis, but we have heard for the last 2 years, as we led up to this Presidential election year, the other side of the aisle talking about President Bush being the only President since Harry S Truman who actually lost jobs on his 4-year watch. Three million of those happened to occur after the dot-com bubble burst and the recession that started during the Clinton administration. The rest of it occurred shortly after 9/11, which cost the economy of this country almost \$3 trillion.

The other side kind of changed their tactic, Mr. Speaker, as we began to grow jobs as those tax cuts for all Americans with their special emphasis on small businessmen and -women began to put people back to work. All of a sudden, when we gained 1.7, 1.9 million jobs back, then they had to change their tactics at the last minute.

But make no mistake about it, this medical malpractice crisis and lack of access to care, and the fact that physicians are shutting their offices, it is a job issue as well because it is not simply one physician but in many cases it is 15 to 25 people who are actually employed in that office and all of them are without a job. Talk about outsourcing of jobs.

We could have done a lot to prevent that right here in our own country with some meaningful leveling of the playing field with fair and balanced tort reform in regard to medical liability.

Continuing with some of the posters, these are real-life situations that I want to bring to the attention of my colleagues.

□ 2015

Michelle, a breast surgeon, serving more than 5,000 patients a year, experienced a 760 percent increase in malpractice insurance over an 8-year period of time. That is an average 76 percent increase per year. This was a testimonial on 60 Minutes in March, 2003.

Doctors in rural Mississippi can expect to pay over \$70,000 in malpractice premiums. Their average salary in rural Mississippi, certainly not an affluent State, about \$72,000 a year. They are literally almost as much, not more, but almost as much in malpractice premiums as they are making in income and probably working 70 hours a week.

Lehigh Valley, Pennsylvania, lost one-third of its neurosurgeons due to unrelenting problems with medical malpractice insurance. That is in Lehigh Valley, Pennsylvania.

Listen to some of these numbers. Talk about bullet points. This really cuts right to the chase. Let me give my colleagues a few numbers to ponder.

America's medical liability crisis, we all pay for a broken system. The number 19, as I said at the outset of the hour, the number of States in a full-blown medical liability crisis in which the cost of frivolous lawsuit settlements and jury awards cost physicians' medical liability premiums to sky-

rocket. As a result, patients lose access to care when physicians are forced to give up parts of their practice, such as delivering babies or performing high-risk surgery.

Mr. Speaker, 72 percent of Americans favor a law that guarantees full payment of lost wages and medical expenses but limits noneconomic damages. That is the point that my colleagues on the other side of the aisle seem to miss. We spend all this money on polling. We poll and run TV ads, and then we send out mailers depending on what the public perception is of an issue. And 72 percent, talk about a plurality, a supermajority of Americans understood this issue, and clearly today understand that we are a country in crisis in regard to our health care delivery system. They want change, they want fairness, and yet my colleagues who have a lot of heartburn over this recent election are still trying to figure out what went wrong. Certainly they were wrong on that issue.

The figure of \$70 billion to \$126 billion a year, the cost of defensive medicine which could be significantly reduced by medical liability reforms. Now we just passed yesterday an increase in the debt ceiling of \$800 billion. There was a lot of rhetoric from the other side and a lot of complaining about the runaway deficits and the growing, burgeoning debt.

With medical liability reform, it is estimated that we would save the government close to \$40 billion a year. Keep in mind that the Federal Government really pays about two-thirds of all of the health care in this country with four programs: Medicare, Medicaid, Tricare for our military personnel and their dependents, and our VA health care system. If we put all of those programs together, we are talking about two-thirds of the health care costs in this country the Federal Government pays. If we had some meaningful tort reform and doctors did not have to do all this defensive medicine and add all of these additional tests which we know and the hospitals know are totally unnecessary in many instances, but doctors are just trying to protect themselves from a lawsuit, if we could get all of that out of the system and go back to just practicing common-sense medicine, this is the amount of savings we would incur. Then we would not have to increase that debt limit.

I am very pleased tonight, Mr. Speaker, to be joined by one of my colleagues on my side of the aisle and a fellow physician, not only a fellow physician but also a fellow OB/GYN physician. He has not practiced quite as long as I have nor delivered quite as many babies as I have, but he is one fine doctor and a fine Congressman.

Mr. Speaker, I yield to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I thank the gentleman from Georgia (Dr. PHIL GINGREY) or Dr. PHIL, as we say here in Congress. I need to point out that I am

just a simple country doctor, and while the gentleman from Georgia will spend a lot of money on polling, my operation in Texas is far too small for that. But I do talk to a lot of my constituents, and the doctor is right that this is an issue understood by average, everyday Americans. They understand it very well. They understand it is limiting their access to medical care, and they want this situation fixed.

The Subcommittee on Health Policy met this summer and had a hearing on medical liability reform. We wanted to bring the spotlight to what are some of the successes we can point to in this country in this arena, not just simply rehash and recover old territory but what are some of the solutions. We were fortunate to be joined by a doctor from California who was actually practicing medicine in California 1975 when the California Medical Injury Compensation Reform Act of 1975 was passed.

Of course, he talked about the night-and-day difference that it made in his State as far as being able to practice medicine with the noneconomic damages capped at \$250,000 and how that held down premiums and allowed doctors to continue in practice and not leave the State because they were in a crisis in 1975.

Let us remember the governor who signed this bill into law from the California legislature was none other than Jerry Brown, not known for his conservative thoughts or principles. It was truly landmark legislation when it was passed in California now some 28 or 29 years ago.

In Texas, we passed legislation this past legislative session that also limited noneconomic damages, put a cap on noneconomic damages. It was a little bit different. We might say it was a 21st century variation of capping noneconomic damages. There is a cap of \$250,000 for the physician's component, a cap of \$250,000 for the hospital component, and another \$250,000 if a nursing home is involved. But altogether, the noneconomic damages in a case would be capped at \$750,000. This has had an enormously positive impact on the State of Texas as far as liability reform is concerned.

Consider this: When I was practicing medicine in the late 1990s, there were 17 insurers who would write a liability policy for doctors in the State of Texas. As the medical liability crisis mounted in my State, the number of insurers dropped out and left the State to the point that, by 2002, there were two remaining insurers writing medical policies in Texas.

What did this mean for the average medical practitioner and their patients? When I was campaigning in 2002, when I would do speaking events, I remember a young woman came up to me. She was probably in her early 40s. She said, "I am a radiologist who studied at State schools and I did my residency at a State-supported institution. My insurance carrier left the State 3

months ago, and now I cannot buy liability coverage at any price, and I cannot afford to jeopardize my future, my husband's future, and my children's future by continuing to practice medicine without a liability policy, so I am a stay-at-home mom."

That is an admirable thing for someone to do, but the State of Texas had made a significant investment in her college and medical education. In addition, she did her residency at a publicly funded hospital. Again, a good investment made in this bright individual to practice her craft of radiology, a lot of investment was made by the State of Texas, by the people of Texas, in her medical career, and she was unable to practice her profession because of the unavailability of liability insurance at any cost, let alone liability insurance that might have been quite costly.

One of the people we heard from at that hearing was Texas Insurance Commissioner Jose Montemayor. This hearing was in June. Commissioner Montemayor talked about some of the improvements that had come to Texas as a result of this law that was passed by the Texas State legislature. We had gone down to two liability insurers. We were now up to 13. Of those that had come back into the State in 8 months time, they had done so without an increase in their rates, contrasting with the neighboring States of Oklahoma and Louisiana where those insurers were able to show and justify an increased rate of 50 percent in Oklahoma and 80 percent in Louisiana. So this is a big difference this law has made in Texas.

In addition, Cristus, a Catholic not-for-profit health care system in south Texas that self-insures, has been able to, by June of this year, 6 months into this fiscal year, had posted a \$20 million savings in their insurance premiums that they were then able to directly invest in hiring nurses, direct patient care, and capital improvements in their hospitals there.

So this is a tremendous gift or tremendous savings for the people in the State of Texas, and one of the things that we were able to showcase in that hearing is one of the proven successes in the country for medical liability reform.

We also heard from an individual, and I apologize. I am blocking on his name. He was the administrator of the hospital in Uniontown, Pennsylvania, and there the story has not been as benevolent. Pennsylvania has not managed to pass medical liability reform in their last legislature. Because of the peculiarities of their State system, they will have to pass that legislation two times in the form of a constitutional amendment. So 2007 or 2008 is the soonest time they can expect any type of relief from their medical liability crisis.

The administrator at Uniontown Hospital told us he is down to one ear, nose and throat doctor who is now responsible for about 140,000 patients in

that area. I did some quick math, that is about 300,000 ears for one doctor. That is a lot of work for one ENT doctor, and they cannot bring in another doctor to help him because of the cost of their liability insurance.

About a year and a half ago, we were at a field hearing up at ANWR, and we came back home through Nome, Alaska. When a group of congressmen come through Nome, Alaska, it is a big deal, and a lot of people turn out for that. They heard that one of the congressional representatives was a physician representative, and the entire medical staff of their hospital came out to lunch with us.

Over lunch, they asked questions. What it was like to serve? And one said we hope Congress gets that medical liability law passed because we cannot afford an anesthesiologist for our hospital here in Nome.

I asked what kind of medicine he practiced. He said I am an OB/GYN, just like you.

Mr. Speaker, what a deal. Practicing OB/GYN in your hospital without an anesthesiologist in Nome, forget pain relief during childbirth. We are talking what do you do if you have to do a c-section. He said, well, we get that patient on an air ambulance as soon as possible and get her to Anchorage for her c-section. Well, Anchorage is an hour and a half a way, and I am given to understand there is poor weather sometimes in Nome, Alaska.

I cannot understand how we feel that we are furthering the cause of patient safety by allowing this system to continue.

People do ask me back in Texas, they say, we have done a good job here in Texas. Why are you worried about medical liability insurance anymore? It is not an issue for us here in Texas. But as Dr. GINGREY has pointed out so clearly, it costs our country billions of dollars every year.

□ 2030

In the Medicare system alone, the cost of defensive medicine from a 1996 Stanford University study was estimated to be between 30 and \$50 billion a year in the cost of defensive medicine. Do the math on that. What is the average of 30 to \$50 billion? It is \$40 billion a year. Dr. GINGREY is quite right. We were criticized last night about increasing the debt limit. We were criticized a year ago for passing a Medicare bill that costs \$40 billion a year for prescription drug coverage. We basically would save that amount of money if we would only pass meaningful medical liability reform. That is why it is a national issue, because we are all paying for that. Every taxpayer in the country is paying that freight for this medical liability system. \$230 billion a year in direct costs for medical liability and about 20 percent of that actually goes to injured patients.

Do not tell me that by capping noneconomic damages that we are keeping money out of the hands of patients.

The system is keeping money out of the hands of patients today under the present system and the only parties that are enriched by today's system are the trial lawyers.

With that, I see my time is about up. I appreciate so much the doctor organizing this Special Order this evening. It is of critical importance that we get this done. We did not manage to do it this year. There has been a little bit of a change across the Capitol rotunda, and I am very optimistic that as we start into the 109th Congress, this will continue to be an issue of pressing concern for it, and we will get this job done for the American people.

Mr. GINGREY. I thank my colleague from Texas for joining us this evening for this discussion, and I appreciate his very accurate remarks. I know one thing he was talking about, physician access and which specialties doctors choose today based on this liability crisis.

I want my colleagues to listen very carefully to this number: 48 percent, the proportion of American medical students in their third or fourth year of medical school who indicated that the liability crisis was a factor in their choice of specialty, threatening patients' future access to critical services. I am sure that Dr. BURGESS would agree with me that when we were in medical school a few years ago, OB-GYN was one of the most popular specialties. It was the one that everybody wanted to go in. It was the compassionate, the feel-good specialty, delivering babies, being with a family, at what usually is the happiest day, the happiest moment of their lives, the birth of a child.

Yet today because of this crisis, as he well knows, we are having fewer and fewer, not only fewer and fewer of our best and brightest students from college wanting to get into medical school and go into the practice of medicine in any specialty but particularly OB-GYN and general surgery and neurosurgery and some of these higher risk specialties.

Mr. BURGESS. If the gentleman will yield, about a year ago I was having a discussion with a woman who was in charge of the residency program at a northeast hospital. I trained at Parkland Hospital, arguably the best residency program in the country, but this one in the northeast has a good reputation as well, and she said that they were at the point now where they were taking people into their OB-GYN residency program that 5 years ago they would not even have asked in for an interview, such has been the dropoff in the quality and caliber of, as you put it, the best and the brightest not going into the specialty. These are children's doctors. These are the doctors that are going to be there for the next generation of Americans. Again, I fail to see how allowing this system to continue is furthering the cause of patient safety or excellent patient care.

Mr. GINGREY. The gentleman is absolutely right. I am pleased to have an-

other physician Member with us tonight in my colleague from Florida, Dr. DAVID WELDON. Dr. WELDON is an internal medicine specialist. I think I am recalling correctly that he is about to begin his sixth term in this august body and has certainly been a great mentor to both Dr. BURGESS and myself as we came in 2 years ago as freshmen and really needed to get up to speed on the Medicare law and all the nuances of that. It is certainly a distinct honor and a pleasure to have Dr. WELDON join us this evening.

Mr. WELDON of Florida. I thank Dr. GINGREY for his kind words. I must confess that he did not need a lot of mentoring. All his years in the State senate prepared him quite well for the busy work that we are about here. I just want to amplify a little bit on what our good friend, Dr. BURGESS, the gentleman from Texas, was talking about, specifically the high cost of defensive medicine. As you mentioned, I was a full-time practicing internal medicine doctor. Actually, I still see patients about once a month in the veterans clinic on a voluntary basis in my district.

As an internist, internal medicine specialist, I did a lot of diagnostic tests. A lot of people come in the office saying I hurt here, I hurt there, I can't breathe when I walk. You do a physical examination, and you typically send people off for studies and tests. I regularly on a daily basis practiced defensive medicine. I would do my history and physical, and I would come to a conclusion as to what I thought that patient most likely had and then there was always that little voice in the back of my mind, what if you are wrong? What if you miss something? What if you get sued? What will happen to you if you get sued? Will it hurt your practice? Will you lose patients? Will you lose your house? These are the kinds of things that go through your mind.

What you do is you order extra tests. We had a special name for doing that. But I was one doctor in one town, and there are hundreds of thousands of doctors every day in America spending hundreds and thousands of dollars each. I was so glad Dr. BURGESS mentioned that study out of Stanford University. That was the first study that conclusively showed that defensive medicine was real and it was very, very costly and that was that famous, a famous study now, that came out of Stanford University. They looked at expenses before medical malpractice and after medical malpractice for just two diagnostic codes, two different conditions, and showed a significant reduction in Medicare charges, and what is most important in this, no increase in what we call morbidity and mortality. In other words, the patients did fine, but the charges went down. They said at the end of that article, this is the first really good scientific study that shows that defensive medicine is real.

And how much does it cost? Ladies and gentlemen, we are struggling in

this body to figure out how are we going to keep Social Security solvent in the future and how are we going to keep Medicare solvent in the years ahead.

Actually, Social Security gets talked about much more in the press, but the real problem is Medicare. Social Security will be solvent for a long time to come. Medicare could start going broke before the end of this decade. The crisis in Medicare is much more serious. What did that study show? It showed that defensive medicine costs us tens of billions, maybe as much as \$50 billion, \$75 billion a year just in the Medicare plan.

How much money could we save over the next 5, 10 years if we on a national level can institute some kind of caps on all of this medical malpractice? Let me just say as well, the problem that we have in the State of Florida is very severe. I know there are many other States that are very severely affected, but I just want to share some statistics here. In 1975, in the State of Florida, there were 380 lawsuits for medical negligence allegations. Those 380 lawsuits resulted in \$10.8 million of settlements. It cost \$1.5 million for the insurers to defend. In the year 2000, the next year that we have good statistics on this, it went up to 880 lawsuits resulting in awards totaling \$219 million.

So we have a serious problem. This is not just a Florida problem. This is not just a Georgia problem. It is not just a Texas problem. This is a national problem. This body, the Congress of the United States, we are the fiduciaries of the Medicare plan, and we can save the Medicare plan by putting some reasonable caps on medical malpractice settlements. Every year that I have been here, and I have been here 10 years, going into my sixth term, we have passed some form of medical malpractice reform. Typically, we have passed this \$250,000 cap on what we call pain and suffering claims, or non-economic damages. The important thing there is that if people cannot work, they can be compensated for that. If they have medical bills, they can be compensated for that. And if they have pain and suffering, they can get \$250,000. But gone are the days of these multimillion-dollar settlements for pain and suffering. And why do we have to do that? Because we all pay for it.

I just want to share one other thing that is critically important. Most of the job creation in my congressional district over the last 10 years has been in the small business sector. When I meet small business men and women in my congressional district and I ask them, what are the problems that you are struggling with now, what can I help you with, invariably the first words that come out of their mouths is the high cost of health insurance for their employees and that many of them cannot afford to insure their employees anymore.

What can we do to help them? Actually, one of the best things we can do is

pass medical malpractice reform. I spoke earlier, Dr. BURGESS spoke earlier, Dr. GINGREY spoke earlier about the high cost of defensive medicine. That drives up health insurance premiums. If you are a small business and you employ 10 people and it is costing you \$600 a month per employee to insure all those employees, you can lower that premium if we can get reasonable and sensible caps on medical malpractice.

What is going to happen there? It is going to make those businesses more competitive. It is going to make those businesses better able to hire more people. The other thing is there are a lot of small businesses that just have decided they cannot afford health insurance anymore. These are the people that I am most worried about, the working uninsured. These are people who end up using our emergency rooms for their health care services. How can we get some of these uninsured people insured? One of the things we can do is pass medical malpractice reform.

This is not just a doctor issue. As a matter of fact, the doctors complain about it all the time, but they just pass the costs on to their patients. This is really a competitiveness issue for our Nation. This is about how do we deal with the uninsured. This is about how do we keep Medicare solvent. And it is a national crisis. I want to thank Dr. GINGREY for taking the lead on this issue. It is a critically important issue. If we can finally get something done in the next Congress, it will be good for the uninsured, it will be good for America, it will be good for OB-GYNs, one of the most aggressively assaulted specialties in the Nation, constantly being sued, many OB-GYNs getting out of the business of delivering babies.

In many regions in the country, communities, they do not even have a doctor that delivers babies. They have to get in ambulances and drive or fly in helicopters to a town where there is a doctor who is willing to deliver babies. That is a sad state of affairs. It has been precipitated by the failure of the other body to really take this issue up and deal with it. We have passed it every year that I have been here. We need to do something about it in the 109th Congress. I thank the gentleman so much for his leadership on this. I really appreciate it.

Mr. GINGREY. I thank the gentleman from Florida so much. We appreciate him being with us tonight and sharing those thoughts. It is so important that he pointed out to our colleagues that this really is not just about doctors and their practice, Dr. WELDON's practice, Dr. BURGESS, Dr. GINGREY, or an individual like this Dr. Leon Smith, Jr.

I happen to know Dr. Leon Smith, Jr. He practices medicine in Athens, Georgia. I went to medical school with him. I knew him very well. Both he and his brother are OB-GYN physicians. His group, I think six or eight of them, recently stopped practicing, had to stop

obstetrics and curtail their practice drastically because of this crisis. Dr. Smith was actually interviewed on "60 Minutes" on March 9, 2003. Here is what Leon said, Dr. Leon Smith, Jr.:

"We're giving up something I have always wanted to do because of the malpractice crisis after insurance premiums broke a million dollars."

This is real life. This really puts a face on this problem. But as Dr. WELDON points out so vividly, it is a jobs issue because it is not just Dr. Smith and colleagues like him that have to give up their practices. It is the fact that small business men and women over the last 5, 6, 8 years are seeing double-digit increases in the amount that they have to pay for health insurance to provide to their employees. And they cannot do it. It is becoming the highest cost of them doing business. And a lot of small businesses fail. This is one of the main reasons that they fail.

And so we are not just talking about doctors not being available to help patients. We are also talking about small businesses closing and people being out of work. I think it is so important that we keep that in mind as we try to address this crisis and try to do it in a bipartisan fashion.

□ 2045

Mr. Speaker, I want to show this last poster before I go on with some additional remarks, but this is pretty telling and the title of this poster is "Show Me the Money." "Show Me the Money." And I have heard, I am not sure who it was, maybe some wise, erudite talk show host recently say, If you want to know what the problem is, just follow the dollar. Follow the dollar.

I can remember during the Medicare Modernization, Improvement, and Prescription Drug Act debate that we had on the floor of this House last year, this Medicare modernization, which we had not done in 38 years, and this prescription drug benefit, which seniors have been begging for, pleading for, been promised by previous Presidents and previous Congresses and nobody ever delivered, we finally delivered on that promise.

And the criticism we received from the other side of the aisle was well, it was just a giveaway from the pharmaceutical industry. That is all it is. All these Republicans getting all this money from the big drug companies. And in fact, it was said, Mr. Speaker, by so many of my colleagues on the other side of the aisle that the pharmaceutical industry wrote the bill. I guess they think the doctors and hospitals wrote the original Medicare bill that was passed in 1965, but I do not think the doctors and the hospitals have done too well, but it has been a boon to seniors. Medicare has worked well. It is going to work even better. But while they were criticizing us purportedly for accepting money from pharmaceutical industry lobbyists, look at what is happening on this "Show Me the Money" poster.

Why do Democrats put trial lawyers before patients? That is my question. That is the question I want my colleagues to answer for me. Seventy-four percent of the campaign contributions made by lawyers and law firms during the 2002 election cycle went to Democrats. I am not sure what the number is in 2004, but I imagine it is probably a little higher than that with a couple of lawyers on the Democratic ticket, one a trial lawyer who made his living suing doctors like me and my colleagues. Seventy-four percent of the campaign contributions made by lawyers and law firms during the 2002 election cycle went to Democrats. Over \$87 million to Democratic candidates during that cycle. Seventy-four percent came to over \$87 million. In fact, the average contribution to a House Democrat totaled \$57,281.

I like to think that we cannot be influenced by money, and I think that that statement is, in fact, true. I think most of my colleagues on the both sides of the aisle would agree with that. Men and women of honor and integrity. But these figures certainly have to be frightening, and maybe it is some of the explanation why, which has no reason to be partisan. A high-risk mom who desperately needs obstetrical care, she is not worrying about whether that white coat has an R or a D on its shoulders. She is looking for an M.D., of course, and this should not be a partisan issue. We need to get beyond that. It is too important. It is hugely important. Just as Medicare modernization, Social Security, these other issues, education, none of that should be partisan. So I hope that as we go forward in the 109th that we will all join together and finally get this job done.

I was giving some numbers a little bit earlier, and I would like to give a few more. The number 29. Mr. Speaker, 29 is the number of years that California's comprehensive medical liability reforms have protected the State of California and their patients, physicians, and taxpayers. 1975 was when MICRA, Medical Injury Reform Compensation Act, was passed; 1975, 29 years ago. Since then premiums in the United States, the rest of the 49 States, have grown by 750 percent. In California premiums have increased only 245 percent. Another very telling statistic.

Listen to this one. And I want my colleagues to listen carefully to this: \$778,334, that is the amount a patient would receive for a \$1 million jury award, an injured patient, a patient that deserves compensation, and we all are aware of that in many instances, \$778,334, the amount a patient would receive for \$1 million jury award by reforming the current contingency fee system. Now without any reform, a trial lawyer typically takes \$400,000 or more of that settlement. That is not right. Mr. Speaker, that is not right.

The people who are injured, the mom, the dad, the parent, the child, in cases

that are not frivolous, somebody has practiced below the standard of care. Maybe it is one of my physician colleagues. Maybe it is a hospital. Maybe something happened in the emergency room. That patient has been injured and suffered and has significant economic losses, and they deserve fair and just compensation. But they are not getting it because of this contingency fee system which causes a lottery mentality among a lot of trial attorneys. Not all of them. Certainly not all of them. Most, in fact, I think are men and women of high integrity and provide a good service to their clients as they practice this subspecialty of personal injury.

3.9 million, and let me repeat that, Mr. Speaker, 3.9 million, the increase in the number of Americans with health insurance if Congress were to pass commonsense reform. Almost 4 million more people would be able to afford health insurance. We have been talking about that issue ever since I have been here in this Congress about the 40 million or so mostly working Americans who cannot afford to have health insurance. Either they cannot pay their part of the premium or their employer cannot provide it for them. It is estimated with meaningful leveling of the playing field, not taking away anybody's rights, that an additional 4 million people would be covered by health insurance.

I could go on and on with these numbers and statistics, but let me just talk a little bit in some of the time that we have remaining. Mr. Speaker, there are a number of provisions in the bill that we passed, the Health Act in 2003. That bill primarily puts a cap on non-economic, so-called pain and suffering. But what it does not do is it absolutely does not limit recovery for injuries, economic losses; and in many cases those awards are in the several millions of dollars. But there is no way that one can put any estimate on pain and suffering or noneconomic losses. And that is the hallmark really of MICRA, the law that was passed in California, and it is a model that we know works. And as I said before, if this bill is passed, and I feel that we will pass it in the 109th Congress, any injured patient would be well compensated for the economic losses and any medical care that is needed as they go forward in the rest of their lives.

Another provision in this bill is something that is called joint and several liability. I want my colleagues to understand this concept: joint and several liability. That is what exists today. That means that if 10 doctors are named in a lawsuit, it does not matter who is the major culprit or the one who practiced the least close to the standard of care. One of those physicians who had very little to do with the case could end up paying the whole judgment or the whole settlement just simply because they have the deepest pockets. In this law that we passed, the Health Act of 2003, it would be propor-

tioned depending upon their degree of responsibility, as well it should be.

Another provision is called collateral source disclosure. Collateral source disclosure simply means that a jury needs to know if an injured patient has health insurance, has disability income, because their injury has been eligible and is now receiving Social Security Disability benefits and by virtue of that is now eligible for Medicare. Under current law in most States, the jury is not permitted to know that as they calculate what a just and fair settlement or award should be. And, Mr. Speaker, that is what I would call double-dipping, and that is wrong.

Another provision of course in the bill that I talked about a little earlier was contingency lawyer fees, and I think they ought to get paid and they will get paid and they will do very well. I do not believe there is a shortage of attorneys in the State of California. I do not see any of them coming to Georgia, thank goodness. I think they are doing well out on the west coast and will continue to do well. But if we are going to have a shortage, I think most of the Members of this body, my colleagues, would agree it is probably a lot better to have a shortage of lawyers than a shortage of doctors because we need access to health care. And that is what this is all about, that and job creation and to take some relief off the men and women who are trying desperately to provide health care to their employees.

Mr. Speaker, it has been an honor, really, and a pleasure to come here tonight and talk about something that is very near and dear to me as a physician Member of this body. And in closing, my plea to my colleagues on the other side of the aisle and my fellow Republicans and those Members of the other body is to think about that statistic that I gave them a little bit earlier. Seventy-five percent of the American people want this, and they are not going to wait any longer. And if they do not get it, they are going to hold them responsible in 2006 just as they obviously did in 2004.

COMMEMORATING THE MAGNIFICENT SEVEN

The SPEAKER pro tempore (Mr. PENCE). Under the Speaker's announced policy of January 7, 2003, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 60 minutes as the designee of the minority leader.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this evening for what I think is a celebratory occasion. It is a time of recognition and celebration of the service of a number of the Members of this body. And I thought it was appropriate for myself and my colleagues from Texas to stand before this body and to be able to acknowledge a time, an era, a collegiality, a time in space, a time in the history of this body.

As I listened to my colleagues who preceded me, it makes it even more im-

portant that we come to the floor today, particularly as I listened to a litany of complaints and issues that were being raised and as I recollected of the debate we had yesterday where our friends on the other side raised the debt limit to its highest in the history of this Nation, and it makes it even more important that we acknowledge not only the legacy of these colleagues who will finish their term in the 108th Congress but to note the fact that these are Democrats, proud to be Democrats, diverse and different.

□ 2100

Certainly we are proud that they are Texans and proud to be Americans, and frankly, we are equally proud of their service.

What they brought to this body, all of them with different regional backgrounds, although coming from the State of Texas and different ideological philosophies in the political wheel of fortune, if you will, they brought a sense and a desire to serve not only their constituents but the American people. They also brought a sense of reaching out and working on both sides of the aisle.

In fact, I am reminded of less than 24 hours ago when the Ranking Member of the Committee on Agriculture, the gentleman from Texas (Mr. STENHOLM), went to the floor of the House to try and strike a reasonable response to this escalating deficit, this out-of-control budget and, frankly, seemingly no end to tax cuts and, if you will, a lack of a plan to be able to serve the American people.

So we come this evening, and my colleagues have come, and I am going to call the names of those who we seek to pay tribute to tonight, and then take time to yield to my friends, my fellow colleagues of the Texas delegation, and then I will join in with them to speak about great Members of the House.

Texas itself has had a very great history. I think of some of the names like Congressman Pickle and Congressman Brooks and Congresswoman Barbara Jordan, and I think of a number of those who no are no longer living who have been great servants of this body. Sam Rayburn, I think certainly of his leadership as the Speaker of the House. Certainly I think, and he is strong in North Texas, our good friend Jim Wright and the service that he gave. So many names that have gone down in the annals of history for their service, and Texans are proud certainly of those who have been able to serve. So I will call their names, and then I will yield to my colleagues.

As I call their names, though, let me just clarify, because it is exciting to pay tribute to them, but I just do a slight clarification. Because whenever we do these things, we obviously think of someone retiring or we think maybe of someone who decided that they wanted to choose another aspect in their life. But I want my colleagues to know that these Members of the House

love this body, they love the service in this body, they love serving the American people. The reason why this is a very special Special Order is because these individuals, most of them decided to stand and fight in what we found to be a very unbalanced redrawing and redistricting of the lines that saw them, in essence, redrawn out of their seats. So this was not a race, and they lost it. This was a race that they ran and certainly would have won if the cards had not been stacked against them.

As I have said, we are celebrating their service tonight, but we want our colleagues to know that these are individuals who stood up and stood tall and through a unique set of circumstances, not of any doing of themselves, we now will lose their very great service.

We will pay tribute tonight to MARTIN FROST, CHARLIE STENHOLM, CIRO RODRIGUEZ, NICK LAMPSON, MAX SANDLIN, JIM TURNER, and CHRIS BELL.

With that, it gives me great pleasure to yield to one of our distinguished members of the Texas delegation who likewise ran a very tough, tough race and was faced with the same set of redrawn lines but is here tonight to pay tribute to our colleagues and to reflect upon the celebratory aspects of the time that we have spent together in this body. I yield to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I want to thank the gentlewoman from Houston, Texas, for hosting this tribute to seven extraordinary Texans, seven dedicated public servants. Whether Americans knew them by name, knew them personally or not, Texas will be the lesser for their loss of service, and our Nation will be the less because of their no longer being in this great body. But the good news is, Texas is a better place today and America is a better place today because of the dedicated service of these seven Texans.

Congressman MARTIN FROST of Dallas, a longtime friend of mine, a true leader of the Texas Democratic delegation, the dean of our delegation. I have never known a more dedicated public servant in my life than Congressman MARTIN FROST, a protege of Jim Wright, the Ranking Member of the Committee on Rules, a vital committee in this House. He is someone who fought for a strong national defense, for jobs and opportunity for his beloved constituents in Dallas and Fort Worth, someone who always was a voice for equal opportunity for citizens of all races in this country. We will miss MARTIN FROST.

Congressman CHARLIE STENHOLM, one of the most decent human beings I have ever known in my lifetime. Someone respected by Democrats and Republicans alike for always being one to put the interests of our State of Texas and our country above partisanship. An eloquent, passionate voice for the value and values of our family farmers and ranchers. All who respect our rural values and the importance of our agriculture producers will miss the voice of CHARLIE STENHOLM in Congress.

Congressman JIM TURNER, a colleague who is living proof that a good person can do well in life. Someone who always treated his fellow colleagues, his citizens, and neighbors with respect and decency. He committed his adult life to public service as a State representative, as a State Senator in Texas and then as a United States Congressman, rising to the terribly important position of senior Democrat on the Committee on Homeland Security, a person who, for the past 2 years, has helped lead the fight to protect all of our families from the threat of terrorism.

JIM TURNER is someone who did not just preach family values but who lived them every day of his life.

Noting that the commonality between Mr. FROST, Mr. STENHOLM, and Mr. TURNER, and something they would all be proud of, saying themselves that each one of them married above themselves. And often unheralded heroes and heroines of this public process in Congress are the spouses of our elected officials. I want to express my thanks to Kathy Frost, a general of the United States Army, and to Cindy Stenholm and to Ginny Turner for their public service. While they might not have had a voting card on the floor of this House, they have been every much a part, in every way a part of public service through this House of Representatives.

To MAX SANDLIN, who rose to the high position of Chief Democratic Deputy Whip, one of the finest legal minds I have ever known, a personal friend who always was fighting to see that the words that end our Pledge of Allegiance, "with justice for all," were not just words in a rote pledge but deeply meaningful words behind that pledge, "with justice for all." That was always MAX SANDLIN's cause in Congress.

To CIRO RODRIGUEZ, who rose to be chairman of the House Hispanic Caucus and a national leader on Hispanic issues, someone who I will always remember as a voice for those who could not afford to hire a \$1 million lobbyist, for the working families of his district and people all across this country. Someone who is a national leader on civil rights and veterans affairs, never forgetting the sacrifice of those who wore our Nation's uniform.

To CHRIS BELL, who served Houston and our State of Texas and our Nation with great distinction and integrity. Someone who, along with these others, lost a seat as a result of not a loss of confidence of his own constituents but because of the partisan redrawing of congressional lines in an off year in the State of Texas. He accepted political defeat with graciousness in a way that helped bring people together in his beloved City of Houston and throughout our State.

And to NICK LAMPSON, our friend from Beaumont, someone who accomplished much in Congress on many issues, but someone who will always be remembered as the father of the fight

to find missing children. And as a father of a 7-year-old son and an 8-year-old son, I think I speak for all parents in America when I say thank you to our colleague Nick Lampson for watching out for all of the children of America.

To each of these seven Members, they made a difference, and I can think of no greater compliment to pass on to anyone. They made a positive difference in the lives of their citizens, their constituents, and the people of this country. And to Susan, Susan Lampson, again, NICK would join his fellow colleagues in saying proudly that he married above himself. Thank you to her for her sacrifices throughout this career of public service.

Again, none of these lost because they lost the confidence of their constituents that they serve today. They lost or had to retire because of a highly unusual, unprecedented redistricting process in a year when redistricting was not supposed to be the case in Texas. But these are good people, decent people, great Americans who not only have made a difference in the past in our State and country, but I know in the years ahead will continue to make a difference for the American people.

I thank the gentlewoman from Houston for yielding me this time and for hosting this tribute to seven great Texans, seven extraordinary Americans and public servants.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman, first of all, for his compassion and his spirit, and to be able to add to the stories of these American leaders, which we will have the opportunity to read about in the years to come. And might I, before I yield to the distinguished gentleman from El Paso, Texas, just thank you for thanking the families, the wives, the children, because we all know, those of us in public life, that we just bring our families along. How they come along is a question, but they are there with us, and I thank the gentleman for bringing attention to the families of these very fine individuals.

Let me now yield to my good friend from El Paso, Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentlewoman from Houston for yielding me this time tonight because, in a sense, tonight is a special night for us, because we say goodbye to good friends and colleagues but, in my mind, great Texans who have given their full measure so that those that have no voice will have a voice in this, the People's House.

In Texas, we are a long ways from Texas here in this House, but in Texas, we like to live by the standard that we simply say "don't mess with Texas." And, regrettably, Texas has been messed with in the worst way possible and, unfortunately, messed with by Texans. And while that is lamentable and regrettable, we have to understand that it is not so much the individual but the actions of that individual.

As I sit here tonight and think about the many battles, the many debates, the many struggles that we have had, and I am relatively new to service in this Congress, I am finishing out my fourth term, which is 8 years, and I look at the number of years that are represented here that in one fell swoop that experience, that institutional knowledge, all of that hard work that these great Texans have done, I like to think of them as the magnificent seven. I know their representation will be missed. I know them to be men of real character, strong character, willing to stand up and fight when even the odds are stacked heavily against them and against us, but fighting the good fight nonetheless. Willing to get into that arena and willing to give their last full measure so that those issues and those programs that are so important to Texas working families receive full and complete consideration here in the People's House.

□ 2115

So, yes, we are losing seven Texans, and Texas I think will be the lesser for it. But I also think that it is important not having been an individual that grew up in a political system; I came to politics after a long career in Federal law enforcement. In fact, most people know that being here as a Member of Congress is probably an accident for me. But I relied heavily on the advice and expertise of the gentleman from Texas (Mr. FROST), the ranking member of the Committee on Rules; the gentleman from Texas (Mr. STENHOLM), the ranking member on the Committee on Agriculture. I came here with the gentleman from Texas (Mr. TURNER) who was our ranking member on the Select Committee on Homeland Security.

I became friends with the gentleman from Texas (Mr. SANDLIN) and the gentleman from Texas (Mr. LAMPSON), also we came to Congress together. The gentleman from Texas (Mr. RODRIGUEZ) followed us by a few months. And then the rookie, the gentleman from Texas (Mr. BELL), who has been phenomenal in the short period of time that he has been here.

I think that is the real legacy that we are so proud of being Texans. We are all different. We come from different backgrounds. We focus on different priorities. We bring different expertise. But in the whole scheme of things, we make this country greater. And no one stands taller tonight in my eyes than these seven Texans, the Magnificent Seven, each one with a support system. My good friend and colleague, the gentleman from Texas (Mr. EDWARDS), who himself I think walks around with a target on his back, and we are so proud of the job that he did and of the support system that he counts on.

When we mention Kathy and Cindy and Ginny and Susan and Carolina, we mention the heart and soul of why we serve. We serve so that our children

and their children can have a better future. We serve so that we can hopefully set an example of what this country can be and what it should be. And while we may have differences of opinion with those on the other side of the aisle, it is never personal in my mind, and it should never be personal.

The last thing I want to say before I yield back my time so that my good friend from San Antonio can speak as well, is that nobody from Texas walks away or runs away from a good fight or a good game. There are certain things that we expect. We expect to know what the rules of that game were. We expect that those rules will not be changed once the game starts. And most of all, we expect that win or lose, we can be proud and we can be friends because we are Texans.

In this case it was not fair. The rules were changed. And I have to say that once this story is told, we are not going to be proud of how this was done. But the one thing that we will be proud of is the work, the dedication, the professionalism of these magnificent Texans that unfortunately, through no fault of their own, because of changing the rules after the game was started, will not be able to continue their work on behalf of Texans, on behalf of Americans, and on behalf of a world that today needs great role models more than anything else. And with that, I appreciate the opportunity to pay tribute to good friends, great Texans; and they will never be forgotten by this Texan.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman. I think the power of the words this evening really define our colleagues and let everybody know that it was their will and determination that caused them to persist in the battle field of politics.

In the scheme of things, when the numbers were recorded on Tuesday night and the analysts and pundits were suggesting the numbers that the Democrats lost and our numbers went down, it is important to note on the floor tonight that the orchestration of the defeat of these colleagues again was not because the voters were dissatisfied with their work and performance, because a very unique and obviously unfair tool was utilized.

So we are here tonight putting aside that loss and really commemorating the great service that has been given to this body.

We thank the gentleman from Texas (Mr. REYES) for now giving them a new name. The Magnificent Seven has now been recorded in the annals of the CONGRESSIONAL RECORD, and I think that will be quite unique.

Let me say I am proud to yield to my good friend from San Antonio, Texas. He comes from his own skill and scholarship, a former judge, but he also will not mind us saying that we all stand on the shoulders of his predecessor and our good friend. He will have a unique story to tell us about why it is so important to pay tribute to his colleagues

tonight, because I know he has been told by his dad how these things work.

Mr. GONZALEZ. Mr. Speaker, I thank my good friend and colleague from Houston.

Mr. Speaker, it is with a heavy heart that all of us from the Texas delegation on the Democratic side come to address the people's House.

We did not want to make this dinner that we had tonight earlier a wake or anything that was sad; but the truth was that there was a great amount of sadness. And at the end, I think we all learned a great deal about the true strength and character of our Members that will not be joining us in swearing-in ceremonies next January 4. I will repeat their names again because I think it is appropriate that they be repeated often so that we all are reminded what public service is about. The gentleman from Texas (Mr. SANDLIN), First Congressional District; the gentleman from Texas (Mr. TURNER), Second Congressional District of Texas; the gentleman from Texas (Mr. LAMPSON), the Ninth Congressional District; the gentleman from Texas (Mr. STENHOLM), the 17th Congressional District; the gentleman from Texas (Mr. FROST), the 24th Congressional District; the gentleman from Texas (Mr. BELL), the 25th Congressional District; my good friend, the gentleman from Texas (Mr. RODRIGUEZ), the 28th Congressional District. These were true public servants.

Tomorrow they will be casting their last vote. And of course they will have their Member's card and they will put it in the slot and they will be casting their vote. And all of those votes may not be the same because we are quite different, as my dear friend, the gentleman from Texas (Mr. REYES), was saying. We have different opinions. We come from different regions of this great State of Texas. But what motivates us all would be the cardinal rule of how we vote. What do we base it on? People sometimes do ask that.

I think this is a great lesson I learned from my father who served for 37 years in this august body, as well as from the gentleman from Missouri (Mr. GEPHARDT). The gentleman from Missouri (Mr. GEPHARDT) when I arrived here in 1999 was our minority leader. He said, if you really want to do the right thing, if you want to enjoy service in the House of Representatives, every vote that you take, it is a real simple formula. First you vote your conscience because those are your principles and your values and you must face yourself every morning and do the right thing.

Secondly, vote your district because no one else represents your district. And lastly, vote your party. And the gentleman told me that that makes his job really hard as your leader because he is trying to keep us together. But thank God that that was our cardinal rule and that is what has guided us.

The seven Members that are departing followed that rule day in and day

out. It was their social conscience. It was their moral principles that guided them here every day, not as Democrats, not as Republicans, because like the gentleman from Missouri (Mr. GEPHARDT) said, that is the last factor, that is the last element that you take into consideration. But what were these individuals when they were serving here for so many years?

They were public servants. And the way they looked at it was that every citizen, every citizen in their district was their boss, whether a Democrat or a Republican, whether they were registered to vote or not, whether they were old enough to vote or not, you represented the district. And that is what was important. And you always voted the best interests of your district. And it was a simple formula.

But they also knew it was a higher calling. And that is what we lose here as an institution, men of high character and moral principles.

I am going to quote now Senator Joe Lieberman in his book "In Praise of Public Life":

"Although public figures may face the same everyday pressures as the people we represent, we are not and should not be judged by the same standards. More should be expected of us. We are public officials, not private citizens. Everything we do can become public and, therefore, has serious consequences for the community. We are, whether we like it or not, role models. We have voluntarily entered a contract with the voters that is based on trust. If we violate that trust, our government, our democracy suffers. So the first question a public figure must always ask himself when making a decision about his personal behavior or actions or votes, about whether to take an opportunity is not just is it legal, but rather, is it right."

These are shining examples of individuals that made hard choices, difficult choices, but really in the final analysis were quite simple because they did the right thing.

So everyone that is listening to us tonight must wonder, well, if they were so great, why are they not coming back? Why were they not reelected? And I have my own theory, my own analysis of it. Not one of these gentlemen lost on the merits. Why they lost was really about form over substance.

Someone said it earlier, the rules were changed in the middle of the game, unfairly and in a perverse fashion. None of these gentlemen lost because they were not the very best that we had out there. They lost because of manipulation. They lost because people thought they could appeal to the most base instincts of human nature, which many times is about unfairness and injustice and fear and insecurity by Members of this House. This is repeated every day, day in and day out in this country. It is just that at this point in time it was concentrated in the State of Texas. And we see the result of seven dedicated public officials

that had so much to give and did give. And we are the losers for it.

They did not lose. This Chamber lost; this country lost. They were casualties of a dangerous time. Of all things, I found a quote the other day and it is from a comedian. But it is not about comedy. And it was not about humor that he was writing about. He had time to reflect because he had a very serious thing that happened in his life, and that was that his wife had passed away. And he reflected on life and where society was today, and this is what George Carlin said:

"The paradox of our time in history is that we have taller buildings but shorter tempers, wider freeways but narrower viewpoints. We spend more but have less. We buy more but enjoy less. We have bigger houses and smaller families, more conveniences but less time. We have more degrees but less sense, more knowledge but less judgment, more experts yet more problems, more medicine but less wellness. We have multiplied our possessions but reduced our values. We talk too much, love too seldom, and hate too often. We have learned how to make a living but not a life. We have added years to life not life to years."

His observation is so applicable to what is happening in the political process in this country today. Again, I will say these seven men did not lose these elections, but rather truly were casualties of what is transpiring, what is encouraged and promoted by seven individuals in this country. This is not love of country. This is not patriotism. This is not citizenship. This is not responsible behavior.

So the truth is, what should we do about it? Well, let us go back to the way things used to be where we are going to go ahead and we are going to have our good-faith disagreements. The truth really lies somewhere in the middle. Righteousness. The best answers do not reside on that side of the aisle, and they do not reside over here. They actually reside right here in the middle of the aisle, right here.

□ 2130

The problem is we never go and talk right there in that aisle. That separates us. That is the greatest gulf in this great country, wider than the Grand Canyon because we have made it wider than the Grand Canyon.

When winning is everything, it does not matter how you do it. What is happening? We are models. It is what JOE LIEBERMAN was talking about. We are models to all citizens in this country, and do we let our citizens down and our country down? Of course we do.

Let us stop defining ourselves by our differences. Let us come to the middle. Let us have a dialogue and a discourse. Let us not corrupt a political process, a legislative process, for political gain, be it Democrat or Republican. Because what happens here, great public servants, the very best this country has to offer will be the casualties and the vic-

tim of political greed and avarice. That is what we have tonight.

It is a sad moment, way beyond the seven Texans that we lose. Sad moment for this body, sad moment for this country.

I want to end my statements with my profound gratitude and appreciation for having known these seven individuals. I will continue to know them, and I have a sense that we will be sharing a swearing-in ceremony sometime in the future because things will right themselves. That is all part of human nature. We only let things get to a certain point of excess before we know that it is truly wrong.

These are wonderful individuals, and on a personal side, the absolutely personal side, these are my friends. It is never, never a happy moment when we say good-bye to friends, and this is what we say here tonight and tomorrow after the final vote. There will be great sadness, but something tells me they will overcome the adversity of what transpired and will rise to greater heights because they are totally capable of doing it but for a better reason. Our country needs them.

So to MAX and to JIM and to NICK and CHARLIE and MARTIN and CHRIS and CIRO, we need you and we know that you will continue making your great contribution and making this country a greater one even better than the one that we live in today. Thank you for your service and all I can say is I look forward to your return.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for his remarks. It is worth hearing each of my colleagues characterize what will really be in the annals of the history pages of this body, and I think all of us came to the floor tonight just to make sure that the story was not misinterpreted, because after every election there are defeats. There are winners and losers and most of the articles are written in the first week and then nothing else is said, and oh, those guys lost.

I thought it was very important that the Texas delegation come tonight to be able to say that those guys did not lose. If anybody lost, this body lost, America lost and Texas lost, and I will take just a moment myself to add just a few points into the record, as all my colleagues have indicated in calling each of their names.

So I just simply want to say to MARTIN FROST, thank him for being the political moderate but having the balance, along with his great influence on the Committee on Rules, and I might say that any Member in this body that has ever had an opportunity to go to the Committee on Rules, the powerful Committee on Rules, knows the value of MARTIN FROST's insight and encouragement and questioning to make a bill better or to be able to see the reason in what you offered so that the others who are in the room might be able to join in his reason and vote for good amendments to make bills better.

We thank him for that. We thank him for coming as our leader in the delegation week after week, leading us and guiding us around very important issues, and might I say, for those of us who came in the last decade, I believe that we were dealing with the redistricting issue for at least 8, 10 years as it relates to the constituents.

Everybody says the Member, but it was the constituents, and those of my colleagues who are here tonight recall the hearings that were held around the State of Texas. Thousands upon thousands of witnesses came forward and said they did not want any changes.

So it is not that we are speaking here tonight for these colleagues. Their constituents, voters, who are our bosses, told them that they wanted no changes, but one manipulated the system, refused to listen to the people.

I remember a witness coming up and saying, is anybody going to listen to us? Does anybody want to do what we said or asked them to do? This is just a voter, a witness, that waited hours in the hearing room to testify before the State Senate, hours into the night. I think it was 1:00 a.m. Is anybody going to listen to us?

So, MARTIN, we thank you for understanding that representation belongs to the people, and when you engaged in redistricting, you realized it was to make the people whole and to make them large.

Thank you, also, MARTIN, for taking this very terrible crisis that we had of violence in schools and helping to organize the Bipartisan Youth Task Force Against Violence that I sat on. Thank you for doing that and making a difference.

CHARLIE STENHOLM, 26 years of service in the House and to Texas and to the Nation. I have just got to say one thing. It is this House, the gentleman from Texas (Mr. REYES) said it. He called it the People's House. We like to say that in debate. I believe it is known in that manner through history and through the concept of the Founding Fathers. They wanted people to be different in this body.

CHARLIE STENHOLM is a farmer. I mean, he grows cotton. He understands farming and ranching, and he understands a large portion of this Nation that really believes they have been left out, the farmers of America, the ranchers of America, people that maybe some of us only know about because of what we consume.

It is important to note that this is an \$80 billion industry in Texas, and look what happened? Because of reckless disregard for the people of Texas and even for this House, an ill-conceived plan now found a man that had been elected in what was really a very conservative district, some might say a Republican district, had been elected over and over again because those people understood that he was their servant. Now we have lost that expertise, and as I indicated, just 24 hours ago we were on this floor listening to his rea-

son about how can we raise the debt again, how can we allow the numbers to go up even higher. Of course, we will lose that voice.

Thank you, CHARLIE, for, as was said by colleagues, having a pure sense of what is right and never wavering from it.

Let me also thank NICK LAMPSON. As many of my colleagues know, he is my neighbor in Houston, and I was there. We were all sort of caught up in the tragedy of the loss of this precious little 12 year old as NICK was just coming to Congress, and I do not know what struck him. I remember the specifics of it. He left Congress and went and joined the search for this very dear, little girl, something like the gentleman from Texas (Mr. EDWARDS) said, none of us can even mouth the words of losing a child.

So he joined the search, and I guess out of that came the inspiration of putting forward the Missing and Exploited Children's Caucus. He has been in conferences. He has spoken. He has put it on the map. He has been about the business of organizing communities around the idea of being against child abduction, and the caucus has over 130 members. It really has made a mark in its effort to fight against child pornography and many, many other issues. So we thank him for that.

He introduced the Bring Our Children Home Act with a 103 original cosponsors, and he really made this something that is clearly a mark that will not be forgotten on this Congress. We thank him for that.

We all know that CIRO RODRIGUEZ is called the nice guy, but he is a nice guy, but he is a tough guy on the issues that are, in fact, close to his heart. Here is a guy that I would see on the floor of the House night after night after night, chairman of the Hispanic Caucus, but he was on the floor talking about health care, not only for Hispanics but for Americans, and he was always talking about it for children. He chaired the Congressional Hispanic Caucus Health Task Force, but he took it very seriously.

I traveled with him. I saw him traveling around the country, going to summits on the question of health care and recognizing that we have 44 million Americans without health coverage, and he got up all the time and said how can we do this. Thank you, CIRO.

He fought to raise the attention on diabetes and HIV/AIDS and substance abuse and mental health, and he led the fight in Washington for Hispanic health awareness, and so we cannot thank him enough. He is a guy with a big heart. I guess it is that social work degree that he has, and we simply thank you, CIRO, and your wife for working to make the NIH better, helping to get more moneys to the NIH and certainly helping to put the focus of health care improvement in Hispanic Americans clearly on the map. We thank you so very much.

He has been called many things, but he was awarded the Community

Superhero Award, and that speaks to CIRO in the words that he has done and what he has done on this floor as it relates to health care.

MAX SANDLIN, someone said, is the lawyer's lawyer. I remember it is a shame that we do not do what the gentleman from Texas (Mr. GONZALEZ) said and just meet right here in the middle because MAX was a former judge, and the only thing that he wanted us to do was to be pure in our debate. If we had some issues about the law or legal procedures, he did not want us to politicize it, scapegoat lawyer, scapegoat injured individuals who have no other way of addressing their grievances, people who have been damaged by the Food and Drug Administration, poor quality drugs or someone's child has been on a playground and fallen down because the equipment does not work properly or some other product liability issue. He wants to get to the core element, debate the merits, and he brought forth some of the most crafted, thoughtful legislation dealing with balancing the rights of consumers and others that may be concerned about the costs of litigation.

He was always here, not to be carrying forth the message of the single thought of trial lawyers, our friends, of course, who helped protect many Americans, but he was prepared to craft very intelligent legal arguments. It is a shame that we could not meet right here in the middle of the floor for MAX SANDLIN's very, very articulate, and well-thought-out legislative initiatives could not be heard.

He spoke very clearly that as a judge he understood what justice was all about, and I will always admire and respect him for his leadership, his work with the Democratic Children and Health Task Forces, again his very defined work on the Committee on Ways and Means, a new Member that he was, but still a Member that was prepared to tackle those hard issues on Medicare and the legal liability issue of Medicare.

You could always count on Congressman MAX SANDLIN to explain to you and get the legal liability issue out and make the bill better to serve all of us, and I thank him for that.

Let me thank JIM TURNER. I had the pleasure of serving with JIM TURNER, and I met JIM TURNER in Crockett, Texas. He was the mayor of Crockett. I knew him has a long-standing public servant. They loved him in Crockett, Texas, he and his family, his wife. He loved them, and lo and behold he comes to be a senator out of the Senate in Texas, and then he comes here to the United States Congress.

He did not come here to think that he was going to be the ranking member on the Select Committee on Homeland Security. He did not come here knowing what would happen on 9/11, but I tell my colleagues what happened when he got to get that position, as he, even in the knowledge of having to retire because there was no district for him, he did not sit down.

Chairman of the Blue Dog Coalition, many who may not know the Blue Dogs, the Yellow Dogs, the Blue Dogs had a different perspective. He never carried around on his shoulder in a way that would be offensive. He was a team player, but he had his values.

But on this Select Committee on Homeland Security he took the bull by the horns, if you will, and constructed documents, not to poison the waters but to make our Nation safer. We Members are better informed because we have document after document after document about the lack of cargo inspection, the need for more border patrol agents and detention spaces, the need for a better bioterrorism plan, the need for a better transportation plan.

JIM TURNER, as the ranking member on this Select Committee on Homeland Security, did just that, and we are very grateful for him in and his knowledge and his sensitivity.

□ 2145

Let me also say that the gentleman from Texas (Mr. TURNER), as was the gentleman from Texas (Mr. RODRIGUEZ), a big supporter, as is the gentleman from Texas (Mr. EDWARDS), of the military and the veterans. We could always, in this time when Democrats were sort of facing an uphill battle, sometimes because of the smearing that went about, about our patriotism, we were always glad that we had Texans in the room because we provided, I guess, the firewall. We could always get our colleagues, and I am pointing to the ones I am speaking about, really to be able to know that this is a diverse caucus and there is no divide on the support of this caucus for veterans and the military.

As we all know, our colleague, the gentleman from Texas (Mr. REYES), along with the gentleman from Texas (Mr. RODRIGUEZ) and the gentleman from Texas (Mr. TURNER), all served on the Committee on Armed Services. So I guess we had our share of Members on the Committee on Armed Services. And I know the work the gentleman from Texas (Mr. EDWARDS) has done on the Committee on Appropriations. And then, of course, the Committee on Veterans' Affairs, which CIRO RODRIGUEZ was on. We set the standard that there is no challenge that you can make against us in terms of our support for our troops.

In fact, let me just make a personal mention that I have got a physician in my community that is reaching beyond 50 years of age, and I know he will not mind me saying it. He has just been called up to Germany to take care of those injured persons who are coming in, and he is a Texan serving out of Fort Hood who is in the reserve and is now being called out of his practice and is going. And I pay tribute to Dr. Daley tonight. And I am only saying that I am glad he had our colleagues, Dr. Warren Daley. I am glad he had our colleagues to be able to protect him and to be able to stand up for him.

The gentleman from Texas (Mr. BELL), whom I traveled with, has been an excellent member of the Committee on International Relations and the Committee on Financial Services. He had the medical center in his district, and of course his predecessor was Mike Andrews. A number of others from the district, Mike Andrews, of course, most recently, and Ken Bentson. But I can assure he did not lose any time in getting to know the medical center's issues. After the terrible hurricane that we had, and following up with Ken Bentson, he got right in there and worked very, very meticulously on the needs of the medical center.

He was someone who had background in local government, the Houston City Council, and he brought a sense of understanding about respecting and responding to local government needs, and so we worked together on the needs of metro. He was unabashedly for light rail and was shocked that he would come to this body and find someone who is from Texas, our own colleague, would be standing up against the people of Houston getting the right kind of transportation system. So he was not afraid to stand up for transportation issues, work with the financial community in Houston, and as well he was a leader by being named senior whip and being part of the whip system. And I think that he was clearly someone who was having a great time but also was a great servant of the people.

So tonight we have the opportunity to call their names and as well to pay tribute. I wanted to just mention, and I see my colleague standing, but I wanted to just mention again names like Lyndon Baines Johnson because I had the opportunity to be with former President Johnson's two daughters just the other day at the Clinton Library. I thanked them again for their father and their mother. And I know that the gentleman from Texas (Mr. EDWARDS) talked about his predecessors, whom he named and talked about in 1970, with so many years of experience that Texans have brought to this body. They have been here in a collegiate manner. We have shared with our colleagues that are here. We are not selfish, we are not arrogant, but we are proud of our legacy and our history, and clearly we believe that we come from good stock.

Let me just say this, that Booker T. Washington said, "Character, not circumstances, makes the man." I might paraphrase and say "makes the person." We can be assured that we have got some fellow Texans who will be leaving tomorrow that have certainly been made by the character that they possess.

Mr. Speaker, I yield now to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I thank the gentlewoman from Houston, as I finish with a couple of comments on my part, Mr. Speaker.

As we celebrate the extraordinary public service of seven great Texans, I

must also say as a Texan there is a lot that we will miss. As a Texan and as Texans we will miss 80 years of seniority in this body, the House of Representatives, where seniority means a lot in terms of effectiveness for our States.

Texas and I will miss having the ranking member, the senior Democrat on the Committee on Rules, one of the most important committees anywhere in Congress. We will miss having the ranking member of the Committee on Agriculture, and we will miss having the ranking member of Homeland Security. Perhaps this is Texas's gift to the States of New York, Minnesota, and Mississippi, who will now have those ranking positions.

We will miss having the chairman of the House Congressional Hispanic Caucus, an important voice for Hispanics throughout Texas and our country. We will miss having the chief deputy whip on the Democratic side and a member of the Committee on Ways and Means, and we will miss a true national leader on the issue of missing children.

I think our greatest loss, as important as it is and as sad as it is for our State to have lost 80 years of seniority in the ranking positions of key committees, our greatest loss is that we will lose people of great integrity who were truly dedicated to the principle of unselfish public service.

I do not grieve for these Magnificent Seven. They are bright, talented, hard-working, capable people with good families. They will do well. I do grieve for the 4.2 million Texas citizens who were denied the right to vote for the reelection of their present Member of Congress as a result of redistricting.

And personally I will miss the daily friendship and interactions with these good people, people who will be our friends for a lifetime. We will miss that daily interaction of these good, decent people.

I have nothing but best wishes and wish Godspeed to MARTIN FROST, CHARLIE STENHOLM, NICK LAMPSON, CIRO RODRIGUEZ, CHRIS BELL, JIM TURNER, MAX SANDLIN, and their families.

And I would finish my comments, before yielding back to the gentlewoman from Houston, with the words of Winston Churchill who once reminded us that "we make a living by what we get, but we make a life by what we give." By that very high standard, these great seven Texans have lived a rich life, and I know they will continue to give to their communities, their State, and their country; and we wish them all the best in the years ahead.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for his kind words. Mr. Speaker, I yield now to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentlewoman for yielding to me, and I will be brief because I know that, or at least I hope our colleagues are watching this evening. But we do thank them for their public service and we do recognize, as the great poet once said,

that the true measure of an individual who is successful in life is the fact that when that life is done he or she will have left not only a mark but will have left a legacy of leaving the world a better place.

Our colleagues, of course, are going on to bigger and better things, and perhaps we will see them back here in the very near future. So to them, not only do we salute them tonight but we thank them for their service and their willingness to share of themselves with the rest of us here in the people's House. We wish them well. I know they are blessed, because they have left their mark in this House.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank my colleagues for being here this evening, and before I close I want to make mention of the dean of our State who will serve us in the 109th Congress, and that is the gentleman from Texas (Mr. ORTIZ), who helped to convene us for a very warm occasion this evening. We were very grateful for that.

We know that we will move on in the 109th Congress. We will pull together and we will work together. But for any of those who are wondering why we stand on the floor tonight, it is because we did not want this session to end without the appropriate knowledge and respect for these colleagues who served, and who fought, but did not prevail. They did not lose. And I think that is the point we want to make tonight, that these are people defeated, but these are people who have not lost.

Again, I want to thank MARTIN FROST, CHARLIE STENHOLM, CIRO RODRIGUEZ, NICK LAMPSON, MAX SANDLIN, JIM TURNER, and CHRIS BELL. Let it be known that the Texas delegation will remain strong and united, full of hope and full of aspirations. Let it also be known that these are our friends and colleagues who we have traveled down many roads with, both smooth and bumpy roads. But let it be known, most especially, that we wish them Godspeed.

I leave my colleagues tonight with these simple words that I paraphrase from Mary McCloud Bethune. She said, I leave you hope. I leave you the challenge of developing confidence in one another. I leave you respect for the use of power. I leave you faith. I leave you dignity.

Shakespeare said, Unto each of us is given a bag of tools and a book of rules, and each must make of life as though a stumbling stone or stepping stone. I think we have made a stepping stone tonight, and I wish for those who will be leaving us many stepping stones and many, many days of happiness and good luck.

I rise this evening to pay tribute to and bid a fond farewell to seven distinguished colleagues, leaders, and friends. As we approach the end of the 108th Congress, a legacy of successful public service will close for these gentlemen. Tonight, Mr. Speaker, I would like to personally thank 7 of my 17 Texas Democratic colleagues for what they have done for

their respective congressional districts, the State of Texas, the United States of America, and to the international community.

Congressmen MARTIN FROST, CHARLIE STENHOLM, NICK LAMPSON, CIRO RODRIGUEZ, MAX SANDLIN, JIM TURNER, and CHRIS BELL will be missed for the high standard of achievement and commitment to upholding the integrity that membership in the House of Representatives connotes.

I have had the sincere honor of serving with Congressman MARTIN FROST, the senior Member of Congress from Texas. Congressman FROST is the ranking Democratic member of the influential House Rules Committee. Congressman FROST is also the senior southern Democrat in the House and has previously served as chair of the Democratic Caucus.

So it is with great sadness that Congressman FROST's long record of leadership in Congress is coming to an end after a bitter redistricting battle in Texas.

Congressman FROST brought common sense and a practical approach to a variety of senior positions. Within the Texas delegation, he is widely respected for his ability to bring together Members with different regional and ideological backgrounds, allowing the Caucus to work toward a common agenda that addresses the real concerns of working families.

A political moderate, Congressman FROST has also brought together both representatives of the business and labor communities with Democratic Members to discuss issues affecting their industries.

Congressman FROST served on the House Committee that considered the creation of the Department of Homeland Security. Congressman FROST has also served as co-chair of bipartisan panels addressing the causes of youth violence and the continuity of Congress in the event of a terrorist attack.

Congressman FROST, I have always looked to you as a leader and as a representative of all that is good in Congress. Your departure will leave a gaping hole in the Texas legislature, and you will be missed.

Let me take a few minutes to congratulate CHARLIE STENHOLM for his 26 years of service in the House to Texas and to the Nation. I've had the pleasure of working with him since I've been in Congress and as a friend and colleague in the Texas Democratic delegation. I appreciated the welcome he gave to me when I came to Washington and now I want to wish him the best as he starts his new endeavors.

CHARLIE's experience as a farmer, teacher, and head of the Rolling Plains Cotton Growers Association contributed to his skillful leadership of the Democrats on the Agriculture Committee. He was able to understand the needs of the farmers who help to feed us in balance with fiscal restraint. That's critical to Texas, where agriculture is still the State's second-largest industry, with an annual economic impact of \$80 billion. In fact, CHARLIE still runs a cotton, wheat, and cattle operation in Jones County with his son Cary. He brought this great knowledge to our Congress.

Thanks CHARLIE for all your service.

Congressman NICK LAMPSON has always been fighting for what is right in the world, and that is the well being of children.

Whatever his initial ambitions coming into Congress were, things for Congressman LAMPSON were instantly changed just months into his first term, when a family in the 9th District suffered a terrible tragedy. A 12-year-old

girl from Friendswood was abducted and found murdered 2 weeks later. Congressman LAMPSON wanted to take immediate action and bring Congress to their feet. He founded the Congressional Missing and Exploited Children's Caucus to build awareness around the issue of missing and exploited children for the purpose of finding children who are currently missing and to prevent future abductions. He succeeded in creating a voice within Congress on the issue of missing and exploited children and introduced legislation that would strengthen law enforcement, community organizing and school-based efforts to address child abduction. His caucus currently has over 130 members.

With the power of the Caucus behind him, the former high school science teacher has fought continuously in Congress to help families protect their children and aid communities and law enforcement searching for missing children. He has sponsored legislation to fund law enforcement efforts to stop child pornography and exploitation on the Internet.

Congressman LAMPSON introduced the Bring Our Children Home Act with 103 original cosponsors in both the 106th and 107th Congresses. This bill established a right of action in Federal court for resolution of child custody disputes and establishes a National Registry of Custody Orders. It also requires the Department of Justice and the Department of State to report to Congress on International Parental Kidnapping Crime Act warrants and extradition.

I want to close with a quote from one of my personal role models, Mary McCloud Bethune,

I leave you hope. I leave you the challenge of developing confidence in one another. I leave you respect for the use of power. I leave you faith. I leave you . . . dignity.

Congressman NICK LAMPSON, you will be missed dearly.

The 28th Congressional District has been served by a true man for others out of San Antonio, TX, Congressman CIRO RODRIGUEZ since 1997. My colleagues and I have enjoyed his leadership in the protection of our nation's veterans through his actions in the House Committee on Veterans' Affairs. The over 50,000 veteran constituents in his district know the sincerity and conviction of his work in that body.

As a member of the Committee on Armed Services, the gentleman did great things for military healthcare facilities. Through legislative efforts, he facilitated the ability of military hospitals to recoup increased funds for civilian trauma care.

He currently serves as the chair of the 20-member Congressional Hispanic Caucus, as well as the chair of the Congressional Hispanic Caucus, CHC, Health Task Force, leading the fight to improve access to healthcare and reduce health disparities for Hispanics and all Americans. During his tenure in Congress, Congressman RODRIGUEZ organized the first ever Hispanic Health Awareness Week focusing on three diseases that disproportionately affect the Hispanic community: Diabetes, HIV/AIDS, and substance abuse/mental health. Not only has he led the fight in Washington for Hispanic Health Awareness, but he continued to aid those in his district by organizing and leading the National Hispanic Health Leadership Summit in San Antonio, TX.

This gentleman is one of a few Members of Congress with a master's degree in Social

Work, was an counselor/caseworker at the Bexar County Mental Health and Mental Retardation from 1971–1974 and 1978–1980. The result of this training is that Congressman RODRIGUEZ recognized that social workers play an invaluable role within our Nation's social service infrastructure. In 2004, he reintroduced H.R. 3887, the National Center for Social Work Research Act, which would establish a research center within the National Institutes of Health. Congressman RODRIGUEZ has continued working to encourage NIH to better integrate social work research into their mission. In 2002, he helped secure language in a congressional appropriations bill directing NIH to develop a social work research plan.

CIRO has held a long and distinguished career receiving numerous awards such as the National Hispanic Medical Association's Leadership Award given earlier this year by the National Hispanic Medical Association for his leadership and his initiative on Hispanic health disparities. He earned the 2003–2002 Community Health Super Hero Award from the National Association of Community Health Centers, Inc. and Health Centers from the State of Texas recognizes the Congressman's strong and consistent support for health centers and the patients they serve in communities across the country throughout the Second Session of the 107th Congress.

I along with the other members of the Texas Congressional Delegation have been honored to serve alongside CIRO D. RODRIGUEZ. Although we will miss his friendship and leadership, I am sure that as he looks back upon his illustrious career of civil service, he will be proud to have served the constituents of 28th Congressional District of Texas.

It has been such a privilege to serve with Congressman MAX SANDLIN. As one of the most compassionate Members of Congress, he was recently appointed to serve on the Ways and Means Committee, the most powerful and esteemed committee in the House.

Congressman MAX SANDLIN and I were members of the Democratic Children and Health Task Forces. Both he and I worked hard to champion legislation that protected working families with children. I have always admired him for his strategic use of his position to gain consensus among his colleagues, identify important issues, and formulate policy.

As a Member from an urban district in Texas, I could always count on Congressman MAX SANDLIN to add the voice of rural America and fiscal responsibility to the leadership of the Democratic Party.

As we faced the harsh injustices of redistricting, Congressman SANDLIN stood strong, redoubled his efforts to maintain what he believes in, and did not back down. Even though he was not able to emerge victorious in this cycle, I am confident that a man of his caliber will return to public service.

I have had the honor and privilege of serving with Congressman JIM TURNER in the House Select Committee on Homeland Security. I always felt confident that as the ranking member of the House Select Committee on Homeland Security, JIM was working to protect the safety and security of the American people in the war on terrorism. He lead the Democratic charge for the ushering in of several pieces of important legislation that will help this nation fight back against global terrorism and keep our families safe.

Congressman TURNER retired after four terms in Congress, a decision that I know as

difficult. Unfortunately, we are not able to control all the events in our life, and Congressman TURNER did not have a fair or unbiased chance for reelection.

A longtime fiscal conservative, Congressman TURNER was the cochair of the "Blue Dog" Coalition. In addition, his work in Congress focuses on promoting economic development and forestry in east Texas. He continues to work for senior citizens through his sponsorship of legislation to lower prescription drug costs.

I have always enjoyed working with Congressman TURNER, who was able to bridge the partisan divide and make friends on both sides of the aisle. I wish you the best of luck in the future.

I am honored to be here today to speak on behalf of my colleague, CHRIS BELL. Our districts border one another in Houston, so I have been privileged to know and work with CHRIS BELL during his time in Congress. Similar to my own background, CHRIS BELL is a former Houston City Council Member. Congressman BELL has earned a reputation as an independent thinker with a common sense approach to governing. He has built an exceptional public service career around defending the truth, championing the people's issues and maintaining the integrity of public office.

During the Enron debacle that affected thousands of Houstonian's, Congressman BELL and former Democratic Leader DICK GEPHARDT, held a town hall meeting calling for corporate employee retirement security and executive accountability. Additionally, BELL executed a citywide campaign to educate employees on the importance of diversification of assets. Congressman CHRIS BELL is an outstanding example of what it means to stand up for truth, something that I will always admire in him. He has taken a stand against unethical actions in this body and the public owes him a debt of gratitude for that. Congressman BELL, I applaud you for your groundbreaking courage.

Congressman BELL's leadership qualities have been noticed by many, particularly by Democratic Whip STENY HOYER, who appointed him as a "Senior Whip." There is a large void to fill with Congressman BELL's departure.

In closing, I would like to quote Booker T. Washington, who said, "Character, not circumstances, makes the man."

Gentlemen, again, thank you very much for your service, leadership, and friendship. Please know that I will always be happy to "yield back the remainder of my time to you if you ever need me." The best of luck to you and your respective families in your future lives.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to submit written statements on the subject matter of my Special Order this evening.

The SPEAKER pro tempore (Mr. PENCE). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Proceedings on H. Res. 853 and H.R. 5382 will resume tomorrow.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 53 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0018

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOBSON) at 12 o'clock and 18 minutes a.m.

CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005

Mr. YOUNG of Florida submitted the following conference report and statement on the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes:

[The conference report will be printed in a future edition of the RECORD.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KIND (at the request of Ms. PELOSI) for today after 7:00 p.m. and the balance of the week on account of a prior family commitment.

Mr. ROTHMAN (at the request of Ms. PELOSI) for today on account of a family obligation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CUMMINGS) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. ORTIZ, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Mr. REYES, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

(The following Members (at the request of Mr. BALLENGER) to revise and extend their remarks and include extraneous material:)

Mr. WILSON of South Carolina, for 5 minutes, today.

Mr. BOOZMAN, for 5 minutes, today.

Mr. WALSH, for 5 minutes, today. (The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GILCHREST, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1217. An act to direct the Secretary of Health and Human Services to intensify programs with respect to research and related activities concerning falls among older adults; to the Committee on Energy and Commerce.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1113. An act to authorize an exchange of land at Fort Frederica National Monument, and for other purposes.

H.R. 1417. An act to amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges, and for other purposes.

H.R. 1446. An act to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

H.R. 1964. An act to assist the States of Connecticut, New Jersey, New York, and Pennsylvania in conserving priority lands and natural resources in the Highlands region, and for other purposes.

H.R. 3936. An act to amend title 38, United States Code, to increase the authorization of appropriations for grants to benefit homeless veterans, to improve programs for management and administration of veterans' facilities and health care programs, and for other purposes.

H.R. 4516. An act to require the Secretary of Energy to carry out a program of research and development to advance high-end computing.

H.R. 4593. An act to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2986. An act to amend title 31 of the United States Code to increase the public debt limit.

ADJOURNMENT

Mr. YOUNG of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 19 minutes a.m.), the House adjourned until today, Saturday, November 20, 2004, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

11010. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Importation of Fruits and Vegetables [Docket No. 02-106-2] received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11011. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Pine Shoot Beetle Host Material From Canada [Docket No. 00-073-2] (RIN: 0579-AB76) October 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11012. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Bees and Related Articles [Docket No. 98-109-2] (RIN: 0579-AB20) received October 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11013. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Oriental Fruit Fly; Designation of Quarantined Area [Docket No. 04-106-1] received November 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11014. A letter from the Acting Administrator, FSIS, Department of Agriculture, transmitting the Department's final rule — Nutrition Labeling; Nutrient Content Claims on Multi-Serve, Meal-Type Meat and Poultry Products [Docket No. 00-046F] (RIN: 0583-AD07) received November 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11015. A letter from the Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting the Department's final rule — Walnuts Grown in California; Decreased Assessment Rate [Docket No. FV04-984-2 IFR] received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11016. A letter from the Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting the Department's final rule — Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 2004-2005 Marketing Year [Docket No. FV04-985-2 IFR] received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11017. A letter from the Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting the Department's final rule — Domestic Dates Produced or Packed in Riverside County, CA; Increased Assessment Rate [Docket No. FV04-987-2 IFR] received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11018. A letter from the Acting Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting a FY 2003 report entitled, "Performance of Commercial Activities," pursuant to 10 U.S.C. 2461(g); to the Committee on Armed Services.

11019. A letter from the Director, Defense Research and Engineering, Department of Defense, transmitting Notification of intent to obligate funds for test projects for inclusion in the Fiscal Year 2005 Foreign Comparative Testing (FCT) Program, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

11020. A letter from the Alternate OSD FRLO, Department of Defense, transmitting the Department's final rule — TRICARE; Changes Included in the National Defense Authorization Act for Fiscal Year 2002, (NDAA-02), and a Technical Correction Included in the NDAA-03 (RIN: 0720-AA89) received October 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11021. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Federal Prison Industries — Deletion of Duplicative Text [DFARS Case 2004-D005] received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11022. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Transitions of Weapons-Related Prototype Projects to Follow-On Contracts [DFARS Case 2003-D106] received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11023. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Publicizing Contract Actions [DFARS Case 2003-D016] received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11024. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Sealed Bidding [DFARS Case 2003-D076] received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11025. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Research and Development Contracting [DFARS Case 2003-D067] received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11026. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contractor Qualifications Relating to Contract Placement [DFARS Case 2003-D011] received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11027. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Insurance [DFARS Case 2003-D037] received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11028. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Acquisition of Commercial Items [DFARS Case 2003-

D074] received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11029. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Laws Inapplicable to Commercial Subcontractors [DFARS Case 2003-D018] received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11030. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Cost Principles and Procedures [DFARS Case 2003-D036] received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11031. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Procedures, Guidance, and Information [DFARS Case 2003-D090] received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11032. A letter from the Acting Under Secretary for Acquisition and Technology, Department of Defense, transmitting the Fiscal Year 2003 Defense Environmental Technology Program Annual Report, pursuant to 10 U.S.C. 2706; to the Committee on Armed Services.

11033. A letter from the Acting Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting proposed test and evaluation (T&E) budgets for FY 2005 that have not been certified as adequate by the Director of the Defense Test Resource Management Center (TRMC), pursuant to 10 U.S.C. 196 Public Law 108-136, section 212; to the Committee on Armed Services.

11034. A letter from the Acting Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting the report on the amount of DoD FY 03 purchases from foreign entities that manufactured articles, materials, or supplies made outside of the United States, pursuant to Public Law 108-199, section 645; to the Committee on Armed Services.

11035. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of the enclosed list of officers to wear the insignia of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

11036. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of the enclosed list of officers to wear the insignia of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

11037. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of the enclosed list of officers to wear the insignia of the grade of vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

11038. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Raymond T. Odierno, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

11039. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Captain Jeffrey A. Lemmons, United States Navy, to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

11040. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral James W. Metzger, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

11041. A letter from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting the Department's final rule — Amended Service Obligation Reporting Requirements for State Maritime Academy Graduates [Docket No. MARAD-2004-19397] (RIN: 2133-AB61) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11042. A letter from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting the Department's final rule — Electronic Options for Transmitting Certain Information Collection Responses to MARAD [Docket Number: MARAD-2003-16238] (RIN: 2133-AB64) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11043. A letter from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting the Department's final rule — Amended Service Obligation Reporting Requirements for U.S. Merchant Marine Academy Graduates [Docket Number: MARAD-2004-17185] (RIN: 2133-AB66) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11044. A letter from the Secretary, Department of Transportation, transmitting the annual report of the Maritime Administration (MARAD) for Fiscal Year 2003, pursuant to 46 U.S.C. app. 1118; to the Committee on Armed Services.

11045. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Collection of Checks and Other Items by the Federal Reserve Banks and Funds Transfers through Fedwire [Regulation J; Docket No. R-1202] received October 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11046. A letter from the Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule — Rules, Policies, and Procedures for Corporate Activities; Annual Report on Operating Subsidiaries [Docket No. 04-23] (RIN: 1557-AC81) received November 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11047. A letter from the Regulatory Specialist, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule — Rules, Policies, and Procedures for Corporate Activities; Annual Report on Operating Subsidiaries [Docket No. 04-23] (RIN: 1557-AC81) received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11048. A letter from the Acting Under Secretary for Rural Development, Department of Agriculture, transmitting the Department's final rule — Business and Industry

Guaranteed Loan Program — Implementation of Farm Security and Rural Investment Act of 2002 Provisions — received November 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11049. A letter from the Acting Under Secretary for Rural Development, Department of Agriculture, transmitting the Department's final rule — Business and Industry Loans; Revisions to Implement 2002 Farm Bill Provisions (RIN: 0570-AA39) received November 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11050. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received November 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11051. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7847] received November 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11052. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7849] received November 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11053. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Participating in HUD's Native American Programs by Religious Organizations; Providing for Equal Treatment of All Program Participants [Docket No. FR-4915-F-02] (RIN: 2577-AC56) received November 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11054. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Implementation of Requirement in HUD Programs for Use of Data Universal Numbering System (DUNS) Identifier [Docket No. FR-4876-F-02] (RIN: 2501-AD01) received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11055. A letter from the President and Chairman, Export-Import Bank, transmitting a report on a transaction involving U.S. exports to Malaysia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

11056. A letter from the Director, OLA, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Rules of Practice and Procedures (RIN: 3064-AC76) received November 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11057. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Related Identity Theft Definitions, Duration of Active Duty Alerts, and Appropriate Proof of Identity Under the Fair Credit Reporting Act (RIN: 3084-AA94) received November 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11058. A letter from the Chairperson, National Council on Disability, transmitting a report entitled, "Design for Inclusion: Creating a New Marketplace," pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and the Workforce.

11059. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting

the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received November 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11060. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Energy Information Administration's Annual Energy Review 2003, pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Energy and Commerce.

11061. A letter from the Secretary, Department of Energy, transmitting the forty-ninth report outlining the status of Exxon and Stripper Well Oil Overcharge Funds as of March 31, 2004, satisfying the request set forth in the Conference Report accompanying the Department of Interior and Related Agencies Appropriations Act of 1988 (Public Law 100-202); to the Committee on Energy and Commerce.

11062. A letter from the Director, Regulations Policy and Mgmt. Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Orthopedic Devices; Effective Date of Requirement for Premarket Approval for Hip Joint Metal/Polymer or Ceramic/Polymer Semiconstrained Resurfacing Cemented Prosthesis [Docket No. 2003N-0561] Received October 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11063. A letter from the Director, Regulations Policy and Mgmt. Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Advisory Committee; Change of Name and Function; Technical Amendment — received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11064. A letter from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Platform Lifts for Motor Vehicles, Platform Lift Installations in Motor Vehicles [Docket No. NHTSA-2004-19209] (RIN: 2127-AJ18) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11065. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Great Basin and Ventura County Air Pollution Control Districts [CA-295-0470a; FRL-7834-2] received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11066. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans: Oregon [OR-04-002; FRL-7835-2] received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11067. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Control of Volatile Organic Compound Emissions from AIM Coatings [PA211-4231; FRL-7835-4] received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11068. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Dexter, Georgia) [MB

Docket No. 04-69; RM-10859] received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11069. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Cross City, Florida) [MB Docket No. 04-195 RM-10975] (Key Largo, Florida) [MB Docket No. 04-196 RM-10970] (McCall, Idaho) [MB Docket No. 04-197 RM-10971] (McCall, Idaho) [MB Docket No. 04-198 RM-10977] (McCall, Idaho) [MB Docket No. 04-199 RM-10978] (McCall, Idaho) [MB Docket No. 04-200 RM-10979] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11070. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 7.202(b), Table of Allotments, FM Broadcast Stations. (Cordele, Dawson, and Pinehurst, Georgia) [MM Docket No. 04-33 RM-10847] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11071. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Smiley, Yoakum and Markham, Texas) [MB Docket No. 02-248 RM-10537 RM-10710] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11072. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (El Indio, Texas) [MB Docket No. 04-169 RM-10760] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11073. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Boligee, Alabama) [MB Docket No. 04-213 RM-10991] (Vaiden, Mississippi) [MB Docket No. 04-216 RM-10994] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11074. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments FM Broadcast Stations. (Maplesville, Alabama) [MB Docket No. 03-5 RM-10393] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11075. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Windsor and Bethel, North Carolina) [MB Docket No. 04-72 RM-10857] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11076. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Green Bay, Wisconsin) [MM Docket No. 01-334 RM-10343] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11077. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Valley Mills, Teague, Brady, Hico, Meridian, San Saba, Richland Springs, Texas) [MM Docket No. 01-47 RM-10063] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11078. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Trenton and Burlington, New Jersey) [MB Docket No. 04-150 RM-10857] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11079. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Telecommunications Services Inside Wiring; Customer Premises Equipment [CS Docket No. 95-184] Implementation of the Cable Television Consumer Protection and Competition Act of 1992; Cable Home Wiring [MM Docket No. 92-260] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11080. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Susanville, Quincy, Corning, and Portola, California) [MB Docket No. 04-164 RM-10548 RM-11048] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11081. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Fresno, California) [MB Docket No. 04-236 RM-11001] received November 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11082. A letter from the Deputy Chief, Policy and Rules Division, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Part 15 regarding new requirements and measurement guidelines for Access Broadband over Power Line Systems [ET Docket No. 04-37] Carrier Current Systems, including Broadband over Power Line Systems [ET Docket No. 03-104] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11083. A letter from the Deputy Chief, Policy and Rules Division, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, Including Third Generation Wireless Systems [ET Docket No. 00-258] Amendments to Parts 1, 2, 27 and 90 of the Commission's Rules to License Services in the 216-220 MHz, 1390-1395 MHz, 1427-1429 MHz, 1429-1432 MHz, 1432-1435 MHz, 1670-1675 MHz, and 2385-2390 MHz Government Transfer Bands [WT Docket No. 02-8] Received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11084. A letter from the Legal Advisor, WTB, Federal Communication Commission, transmitting the Commission's final rule — Nationwide Programmatic Agreement Regarding the Section 106 National Historic

Preservation Act Review Process [WT Docket No. 03-128] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11085. A letter from the Chief, Network Technology Division, Federal Communications Commission, transmitting the Commission's final rule — New Part 4 of the Commission's Rules Concerning Disruptions to Communications [ET Docket No. 04-35] received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11086. A letter from the Deputy Chief, Competition Policy Div., WCB, Federal Communications Commission, transmitting the Commission's final rule — The Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Acts of 1996 [CC Docket No. 96-128] received November 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11087. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations; and Section 73.622(b), Table of Allotments Digital Broadcast Television Stations. (Mobile, Alabama) [MB Docket No. 04-281 RM-11041] received November 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11088. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Billings, Montana) [MB Docket No. 04-183 RM-10964] received November 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11089. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 2 of the Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems [Dkt No. 00-258] Petition for Rule Making of the Wireless Information Networks Forum Concerning the Unlicensed Personal Communication Service (RM-9498) Petition for Rule Making of UTStarcom, Inc. (RM-10024) Amendment of Section 2.106 of the Rules to Allocate Spectrum at 2 GHz for use by the Mobile-Satellite Service [Dkt. No. 95-18] Received November 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11090. A letter from the Secretary, Federal Trade Commission, transmitting the Report to Congress for 2002 pursuant to the Federal Cigarette Labeling and Advertising Act, pursuant to 15 U.S.C. 1337(b); to the Committee on Energy and Commerce.

11091. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Risk-Informed Categorization and Treatment of Structures, Systems and Components for Nuclear Power Reactors (RIN: 3150-AG42) received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11092. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 12-04 which informs of an intent to sign a Project Agreement concerning Cooperation in the Research and Development of Technologies Applicable to Ship Defense Missiles (RAM P3I) between the United States and Germany, pursuant to 22 U.S.C.

2767(f); to the Committee on International Relations.

11093. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 11-04 which informs of an intent to sign a Project Agreement concerning Standard Missile Production between the United States, Germany, and The Netherlands, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

11094. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Israel (Transmittal No. DDTC 049-04A), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11095. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Canada (Transmittal No. DDTC 085-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

11096. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract with Belgium (Transmittal No. DDTC 080-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11097. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting pursuant to the Taiwan Relations Act, agreements concluded between January 1 and December 31, 2003, pursuant to 22 U.S.C. 3311(a); to the Committee on International Relations.

11098. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

11099. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

11100. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

11101. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

11102. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Office of the Assistant Secretary of Defense's (Networks and Information Integration), (ASD (NII)) proposed lease of defense articles to the Government of Moldova (Transmittal No. 08-04); to the Committee on International Relations.

11103. A letter from the Secretary, Department of the Treasury, transmitting as re-

quired by Section 901(j)(5)(B) of the Internal Revenue Code, 26 U.S.C. 901(j)(5)(B), and pursuant to Presidential Determination 2004-48 of September 20, 2004, a report stating the President's intention to grant a waiver of section 901(j)(1) with respect to Libya and the reason for the determination that such a waiver is in the national interests of the United States and will expand trade and investment opportunities for U.S. companies in Libya; to the Committee on International Relations.

11104. A letter from the Deputy Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on International Relations.

11105. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Entity List: Removal of Four Russian Entities [Docket No.041103304-4304-01] (RIN: 0694-AD12) received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

11106. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Computer Technology and Software Eligible for Export under License Exception; and Establishment of "Foreign National Review" Requirement and Procedure. [Docket No. 041020285-4285-01] (RIN: 0694-AD18) received November 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

11107. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Microprocessor Technology Eligibility for Export under License Exception [Docket No. 041018284-4284-01] (RIN: 0694-AD04) received November 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

11108. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period June 1, 2004 through July 31, 2004; to the Committee on International Relations.

11109. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report requested in the Participation of Taiwan in the World Health Organization Act, 2004 (Pub. L. 108-235), Section 1(c); to the Committee on International Relations.

11110. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting as required by Section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1641(c) and section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), the six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994; to the Committee on International Relations.

11111. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, a certification regarding the proposed transfer of

U.S.-origin defense equipment from the Government of the Netherlands (Transmittal No. RSAT-08-04); to the Committee on International Relations.

11112. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of the Netherlands (Transmittal No. RSAT-07-04); to the Committee on International Relations.

11113. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 "Joint Communiqué" and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 "Joint Statement," together known as the Migration Accords, pursuant to Public Law 105-277, section 2245; to the Committee on International Relations.

11114. A letter from the Secretary, American Battle Monuments Commission, transmitting the Commission's FY 2004 annual report, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

11115. A letter from the Chairman, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's financial statements as of and for the year ended September 30, 2004, prepared by the U.S. General Services Administration; to the Committee on Government Reform.

11116. A letter from the Chief Financial Officer and Assistant Secretary for Administration, Department of Commerce, transmitting the Department's Annual Progress Report to Congress, covering interagency activities and DoC-specific activities between May 2003 and May 2004, pursuant to Public Law 106-107; to the Committee on Government Reform.

11117. A letter from the Chairman, Farm Credit System Insurance Corporation, transmitting the FY 2004 report pursuant to the Federal Managers' Financial Integrity Act and the Inspector General Act Amendments of 1978, pursuant to 31 U.S.C. 3512(c)(3) 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11118. A letter from the Chairman, Federal Maritime Commission, transmitting in accordance with OMB Circular No. A-11, Part 2, the Final Annual Performance Plan for FY 2005; to the Committee on Government Reform.

11119. A letter from the Acting Chairman, Merit Systems Protection Board, transmitting the Board's report, "Identifying Talent Through Technology: Automated Hiring Systems in Federal Agencies," pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform.

11120. A letter from the Administrator, National Aeronautics and Space Administration, transmitting in accordance with the Reports Consolidation Act of 2000, enclosed is the FY 2004 Performance and Accountability Report; to the Committee on Government Reform.

11121. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's 2004 FAIR Act Inventory; to the Committee on Government Reform.

11122. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the 2004 annual report on the agency's compliance with the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

11123. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Analysis of the Office of the Chief Financial Officer's Exception Account for FY 2003 and 2004, as of June 30, 2004"; to the Committee on Government Reform.

11124. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Cost-of-Living Allowances (Nonforeign Areas); Methodology Changes (RIN: 3206-AK29) received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

11125. A letter from the Office of Special Counsel, transmitting the fiscal year 2004 reports required by the Federal Managers' Financial Integrity Act and the Inspector General Act, pursuant to 31 U.S.C. 3512(c)(3) 5 U.S.C.A. Appendix 3, Section 8G(h)(2); to the Committee on Government Reform.

11126. A letter from the Acting Director, Selective Service System, transmitting the FY 2004 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

11127. A letter from the Director, Trade and Development Agency, transmitting the Agency's annual financial audit for FY 2004, pursuant to 22 U.S.C. 2421(e)(2); to the Committee on Government Reform.

11128. A letter from the Assistant General Counsel, Federal Election Commission, transmitting the Commission's final rule — Coordinated and Independent Expenditures by Party Committees [Notice 2004-014] received November 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

11129. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Political Committee Status, Definition of Contribution, and Allocation for Separate Segregated Funds and Nonconnected Committees [Notice 2004-15] received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

11130. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Mariana Fruit Bat and Guam Micronesian Kingfisher on Guam and the Mariana Crow on Guam and in the Commonwealth of the Northern Mariana Islands (RIN: 1018-A125) received October 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11131. A letter from the Asst. Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Interim Rule for the Beluga Sturgeon (Huso huso) received October 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11132. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #13 — Adjustments of the Recreational Fisheries from the U.S.—Canada Border to Cape Falcon, Oregon [Docket No. 040429134-4135-01; I.D. 102504C] received November 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11133. A letter from the National Service Officer, American Gold Star Mothers, Incorporated, transmitting the organization's report and financial audit for the years ending June 30, 2004 and 2003, pursuant to 36 U.S.C. 1101(63) and 1103; to the Committee on the Judiciary.

11134. A letter from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule — Rules of Practice and Procedure; Civil Money Penalty Inflation Adjustments [Docket No. 04-24] received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11135. A letter from the Director, Regulatory Management Division, Department of Homeland Security, transmitting the Department's final rule — Adding Actuaries and Plant Pathologists to Appendix 1603.D.1 of the North American Free Trade Agreement [CIS No. 2068-00] (RIN: 1615-AA38) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11136. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the 2003 Annual Report of the National Institute of Justice (NIJ); to the Committee on the Judiciary.

11137. A letter from the Rules Administrator, Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Comments on UNICOR Business Operations: Clarification of Address [BOP-1115-F] (RIN: 1120-AB15) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11138. A letter from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting the Department's final rule — Executive Office for Immigration Review; Section 212(c) Relief for Aliens With Certain Criminal Convictions Before April 1, 1997 [EOIR No. 130F; AG Order No. 2734-2004] received October 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11139. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting As required by Section 417(b) of the USA Patriot Act of 2001 (Public Law 107-56), the third annual report on the status of the implementation of machine-readable passports (MRPs) in countries participating in the Visa Waiver Program (VWP); to the Committee on the Judiciary.

11140. A letter from the Corporate Agent, Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of April 30, 2004, pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

11141. A letter from the Commandant, U.S. Coast Guard, Department of Homeland Security, transmitting A report on the life cycle costs and benefits of creating a Center for Coastal and Maritime Security, pursuant to 46 U.S.C. 70101 note Public Law 107-295, section 110(b); to the Committee on Transportation and Infrastructure.

11142. A letter from the Assistant Secretary, Bureau of Trade Analysis, Federal Maritime Commission, transmitting the Commission's final rule — Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984; Final Rule [Docket No. 03-15] (RIN: 3072-AC28) received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11143. A letter from the Director, Judicial Conference of the United States, transmitting a letter informing of several actions involving the courthouse construction program taken by the Conference on September 21, 2004; to the Committee on Transportation and Infrastructure.

11144. A letter from the Deputy Chief Acquisition Officer, Director for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final

rule — Re-Issuance of NASA FAR Supplement Subcaptions H and I (RIN: 2700-AC88) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

11145. A letter from the Deputy Chief Acquisition Officer, Director for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Government Property and Miscellaneous Editorial Changes (RIN: 2700-AD05) received October 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

11146. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Regulations; Government Contracting Programs (RIN: 3245-AF16) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

11147. A letter from the Office of Regulation Policy & Mgt., VA, Department of Veterans Affairs, transmitting the Department's final rule — Increase in Rates Payable Under the Survivors' and Dependents' Education Assistance Program (RIN: 2900-AL64) received October 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

11148. A letter from the Office of Regulation Policy & Mgt., VA, Department of Veterans Affairs, transmitting the Department's final rule — Veterans Education: Increased Allowances for the Educational Assistance Test Program (RIN: 2900-AL81) received October 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

11149. A letter from the Office of Regulation Policy & Mgt., VA, Department of Veterans Affairs, transmitting the Department's final rule — Increase in Rates Payable Under the Montgomery GI Bill — Selected Reserve (RIN: 2900-AL80) received October 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

11150. A letter from the Office of Regulation Policy & Mgt., VA, Department of Veterans Affairs, transmitting the Department's final rule — Standards for Collection, Compromise, Suspension, or Termination of Collection Effort, and Referral of Civil Claims for Money or Property; Regional Office Committees on Waivers and Compromises; Salary Offset Provisions; Delegations of Authority (RIN: 2900-AK10) received October 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

11151. A letter from the Office of Regulation Policy & Mgt., VA, Department of Veterans Affairs, transmitting the Department's final rule — Waivers (RIN: 2900-AK29) received October 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

11152. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2004105) received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11153. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Distributions Under the Pension Funding Equity Act of 2004 [Notice 2004-78] received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11154. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Taxation of DISC Income to Shareholders (Rev. Rul. 2004-99) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11155. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Treatment as qualified dividend income from purposes of section 1(h)(11) of the Internal Revenue Code of distribution, inclusions, and other amounts from foreign corporations subject to certain anti-deferral regimes [Notice 2004-70] received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11156. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2004-77] received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11157. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2005 Limitations Adjusted As Provided in Section 415(d), etc. [Notice 2004-72] received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11158. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Qualified Pension, Profit-Sharing, and Stock Bonus Plans (Rev. Rul. 2004-104) received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11159. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Payments Made by Reason of a Salary Reduction Agreement [TD 9159] (RIN: 1545-BD50) received November 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11160. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories. (Rev. Rul. 2004-101) received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11161. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Settlement Guidelines Intermediary Transaction Tax Shelters — received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11162. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue Paper All Industries Tax Shelter [Notice 2002-21] received October 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11163. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue All Industries S Corporation Tax Shelter [Notice 2004-30] received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11164. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2004-106) received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11165. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Appeals Settlement Guidelines Securities & Financial Services Industry

Capitalization of Costs to Obtain Management Contracts — received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11166. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Rev. Proc. 2004-64) received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11167. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue All Industries IRC: 461(f) Contested Liabilities — November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11168. A letter from the Commissioner, Social Security Administration, transmitting the Administration's report of continuing disability reviews for FY 2003, pursuant to Public Law 104-121, section 103(d)(2) (110 Stat. 850); to the Committee on Ways and Means.

11169. A letter from the Commissioner, Social Security Administration, transmitting a consolidated report of the Administration's processing of continuing disability reviews for FY 2003, pursuant to Public Law 104-121, section 103(d)(2) (110 Stat. 850); to the Committee on Ways and Means.

11170. A letter from the United States Trade Representative, transmitting consistent with section 2105(a)(1)(B) of the Trade Act of 2002, a description of the change to an existing law that would be required to bring the United States into compliance with the United States-Bahrain Free Trade Agreement; to the Committee on Ways and Means.

11171. A letter from the Secretary, Department of Energy, transmitting notification that the Department of Energy requires an additional 45 days to finalize and transmit the implementation plan for addressing the issues raised in the Defense Nuclear Facilities Safety Board's Recommendation 2004-1, "Oversight of Complex, High-Hazard Nuclear Operations," pursuant to 42 U.S.C. 2286(d)(e); jointly to the Committees on Armed Services and Energy and Commerce.

11172. A letter from the Chairperson, National Council on Disability, transmitting a report, titled "Consumer-Directed Health Care: How Well Does It Work?," pursuant to 29 U.S.C. 781(a)(8); jointly to the Committees on Education and the Workforce and Energy and Commerce.

11173. A letter from the Inspector General, Coalition Provisional Authority, transmitting the third quarterly report to Congress as required by Section 3001(i) of Title III of the 2004 Emergency Supplemental Appropriation for Defense and for the Reconstruction of Iraq and Afghanistan (Pub. L. 108-106), dated October 30, 2004; jointly to the Committees on International Relations and Appropriations.

11174. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Presidential Determination 2005-02, the President has exercised the authority provided to him and has issued the required determination to waive certain restrictions on the maintenance of a Palestine Liberation Organization (PLO) Office and on the receipt and expenditure of PLO funds for a period of six months, pursuant to Public Law 108-199, section 534(d); jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 1662. A bill to amend the Endangered Species Act of 1973 to require the Secretary of the Interior to give greater weight to scientific or commercial data that is empirical or has been field-tested or peer-reviewed, and for other purposes; with amendments (Rept. 108-785). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2933. A bill to amend the Endangered Species Act of 1973 to reform the process for designating critical habitat under that Act; with an amendment (Rept. 108-786). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 5104. A bill to amend the Marine Mammal Protection Act of 1972 to authorize appropriations for the John H. Prescott Marine Mammal Rescue Assistance Grant Program, and for other purposes (Rept. 108-787). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 5134. A bill to require the prompt review by the Secretary of the Interior of the long-standing petitions for Federal recognition of certain Indian tribes, and for other purposes; with an amendment (Rept. 108-788). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 2801. A bill to establish a digital and wireless network technology program, and for other purposes, with an amendment (Rept. 108-789 Pt. 1). Ordered to be printed.

Mr. POMBO: Committee on Resources. H.R. 3283. A bill to improve recreational facilities and visitor opportunities on Federal recreational lands by reinvesting receipts from fair and consistent recreational fees and passes, and for other purposes; with an amendment (Rept. 108-790 Pt. 1). Order to be printed.

Mr. POMBO: Committee on Resources. H.R. 2440. A bill to improve the implementation of the Federal responsibility for the care and education of Indian people by improving the services and facilities of Federal health programs for Indians and encouraging maximum participation of Indians in such programs, and for other purposes; with an amendment (Rept. 108-791 Pt. 1). Order to be printed.

[November 20 (legislative day of November 19), 2004]

Mr. YOUNG of Florida: Committee of Conference. Conference report on H.R. 4818. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108-792). Order to be printed.

TIME LIMITATION OF REFERRED BILLS

Pursuant to clause 2 of rule XII the following actions were taken by the Speaker:

H.R. 180. Referral to the Committee on Rules extended for a period ending not later than November 22, 2004.

H.R. 2440. Referral to the Committees on Energy and Commerce and Ways and Means extended for a period ending not later than November 22, 2004.

H.R. 2801. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 22, 2004.

H.R. 2971. Referral to the Committees on Financial Services, Energy and Commerce,

and the Judiciary for a period ending not later than November 22, 2004.

H.R. 3143. Referral to the Committees on Financial Services and International Relations extended for a period ending not later than November 22, 2004.

H.R. 3283. Referral to the Committee on Agriculture extended for a period ending not later than November 22, 2004.

H.R. 3358. Referral to the Committee on the Budget extended for a period ending not later than November 22, 2004.

H.R. 3551. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 22, 2004.

H.R. 3800. Referral to the Committee on the Budget extended for a period ending not later than November 22, 2004.

H.R. 3925. Referral to the Committee on the Budget extended for a period ending not later than November 22, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ENGLISH (for himself and Mrs. WILSON of New Mexico):

H.R. 5393. A bill to amend title XVIII of the Social Security Act to provide incentives linking quality to payment for skilled nursing facilities and to establish a Long-Term Care Financing Commission; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Wisconsin (for himself and Mr. MATHESON):

H.R. 5394. A bill to amend the Internal Revenue Code of 1986 to modify the taxation of arrow components; to the Committee on Ways and Means.

By Mr. THOMAS:

H.R. 5395. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Ways and Means.

By Mr. ACEVEDO-VILA:

H.R. 5396. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for a portion of any dividend received by a domestic corporation from a qualified foreign corporation; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 5397. A bill to improve the retirement security of American families; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 5398. A bill to amend the Internal Revenue Code of 1986 to improve the retirement security of American families; to the Committee on Ways and Means.

By Mr. CARDIN:

H.R. 5399. A bill to provide for the disposition of the Federal property located in Anne Arundel County, Maryland, a portion of which is currently used by the District of Columbia as the Oak Hill juvenile detention facility; to the Committee on Government Reform.

By Mr. CARDIN:

H.R. 5400. A bill to provide for reimbursement of enrollees in the Medicare PPO Demonstration Project for expenses inappropriately incurred in being provided coverage through out-of-network providers; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for con-

sideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS:

H.R. 5401. A bill to amend section 304 of the Tariff Act of 1930 with respect to the marking of imported home furniture; to the Committee on Ways and Means.

By Mr. HONDA (for himself, Mr. MORAN of Virginia, Ms. LEE, Mr. CROWLEY, Mr. EVANS, Ms. LINDA T. SANCHEZ of California, Mr. GEORGE MILLER of California, Ms. BORDALLO, Mr. MEEKS of New York, Mr. LAMPSON, Mr. GREEN of Texas, Mr. SCHIFF, Mr. CAPUANO, Mr. GRIJALVA, Ms. ESHOO, Ms. SCHAKOWSKY, and Ms. LOFGREN):

H.R. 5402. A bill to provide for immigration relief in the case of certain immigrants who are innocent victims of immigration fraud; to the Committee on the Judiciary.

By Ms. KAPTUR:

H.R. 5403. A bill to amend title XVIII of the Social Security Act to improve the quality of care in skilled nursing facilities under the Medicare Program through development of quality measures and changes in reimbursement; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH:

H.R. 5404. A bill to prohibit price gouging during a shortage of a covered vaccine; to the Committee on Energy and Commerce.

By Mr. LARSON of Connecticut:

H.R. 5405. A bill to provide the Secretary of Energy with authority to draw down the Strategic Petroleum Reserve when oil and gas prices in the United States rise sharply because of anticompetitive activity, and to require the President, through the Secretary of Energy, to consult with Congress regarding the sale of oil from the Strategic Petroleum Reserve; to the Committee on Energy and Commerce.

By Mr. LARSON of Connecticut:

H.R. 5406. A bill to ensure a balanced survey of taxpayers in any system of precertification for the earned income tax credit; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut:

H.R. 5407. A bill to require the Secretary of Energy to prepare a strategic plan to ensure that the United States is energy self-sufficient by the year 2015; to the Committee on Energy and Commerce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut:

H.R. 5408. A bill to provide emergency relief to small businesses affected by significant increases in the prices of electricity, heating oil, natural gas, propane, and kerosene, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. VAN HOLLEN, Mr. BISHOP of New York, and Mr. ISRAEL):

H.R. 5409. A bill to amend the Public Health Service Act to address the shortage of influenza vaccine, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself, Mr. JACKSON of Illinois, Mr. ENGEL, and Mr. MARKEY):

H.R. 5410. A bill to amend the Expedited Funds Availability Act to redress imbalances between the faster withdrawals permitted under the Check 21 Act and the slower rates for crediting deposits, and for other purposes; to the Committee on Financial Services.

By Mr. MARKEY:

H.R. 5411. A bill to amend the Atomic Energy Act of 1954 to restrict exports of nuclear related materials and equipment; to the Committee on International Relations.

By Mr. ORTIZ:

H.R. 5412. A bill to correct maps depicting Unit T-10 of the John H. Chafee Coastal Barrier Resources System; to the Committee on Resources.

By Mr. PASCRELL:

H.R. 5413. A bill to amend the Immigration and Nationality Act to provide greater protections to domestic and foreign workers under the H-1B nonimmigrant worker program; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 5414. A bill to amend the Internal Revenue Code of 1986 to deny the foreign tax credit and the benefits of deferral to companies doing business in Sudan until the Government of Sudan takes demonstrable steps to end genocide in Sudan; to the Committee on Ways and Means.

By Mr. REYNOLDS (for himself, Mr. ALLEN, Mr. PICKERING, and Mr. RAMSTAD):

H.R. 5415. A bill to amend title XVIII of the Social Security Act to provide payments to Medicare ambulance suppliers of the full cost or furnishing such services, to provide payments to rural ambulance providers and suppliers to account for the cost of serving areas with low population density, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LORETTA SANCHEZ of California:

H.R. 5416. A bill to amend chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), to define and punish stalking by persons subject to that chapter; to the Committee on Armed Services.

By Mr. SHERMAN:

H.R. 5417. A bill to amend title 23, United States Code, relating to high occupancy vehicle lanes; to the Committee on Transportation and Infrastructure.

By Mr. TANCREDO:

H.R. 5418. A bill to authorize the Secretary of the Interior to enter into new and renewal contracts with the City of Aurora, Colorado, or an enterprise of the City, for the use of excess capacity water in the Fryingpan-Arkansas Project; to the Committee on Resources.

By Mr. YOUNG of Florida:

H.J. Res. 114. A joint resolution making further continuing appropriations for the fiscal year 2005, and for other purposes; to the Committee on Appropriations.

By Mr. BOEHNER (for himself and Mr. CASTLE):

H. Con. Res. 524. Concurrent resolution directing the Clerk of the House of Representatives to make certain corrections to the enrollment of H.R. 1350; considered and agreed to.

By Mr. ISRAEL:

H. Con. Res. 525. Concurrent resolution commending those individuals that have donated prepaid telephone cards to members of the United States Armed Forces participating in Operation Enduring Freedom and Operation Iraqi Freedom; to the Committee on Armed Services.

By Mr. KING of New York (for himself and Mr. JACKSON of Illinois):

H. Con. Res. 526. Concurrent resolution expressing the sense of Congress that the President should grant a posthumous pardon to John Arthur "Jack" Johnson for the 1913 racially motivated conviction of Johnson, which diminished his athletic, cultural, and historic significance, and tarnished his reputation; to the Committee on the Judiciary.

By Mr. RUSH (for himself and Mr. RANGEL):

H. Con. Res. 527. Concurrent resolution expressing the sense of Congress with respect to the murder of Emmett Till; to the Committee on the Judiciary.

By Mr. FARR:

H. Res. 863. A resolution recognizing the importance of local capacity building within developing countries to create sustainable, long-term international development; to the Committee on International Relations.

By Mr. CAMP (for himself, Mr. OBERSTAR, Mr. HERGER, Mr. DELAHUNT, Mr. GREENWOOD, Mr. CARDOZA, Mr. PAUL, Mr. EHLERS, Mr. LYNCH, Mr. TERRY, Mr. FILNER, Mrs. MCCARTHY of New York, Mr. SNYDER, Mr. ROGERS of Michigan, Mr. GOODLATTE, Ms. WATSON, Mr. BOEHLERT, Mr. TIBERI, Mr. TIAHRT, Mr. RANGEL, Mr. CARDIN, Ms. PRYCE of Ohio, and Mr. KANJORSKI):

H. Res. 864. A resolution recognizing and supporting the goals and ideals of National Adoption Month; to the Committee on Government Reform.

By Mr. QUINN:

H. Res. 865. A resolution expressing the sense of the House of Representatives that there should be equal pay for substantially equal work performed by public sector and private sector employees within each State and locality in which such employees work; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

461. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 848 memorializing the Congress of the United States to award Sergeant Harvey Possinger, 35th Infantry Regiment, 25th Infantry Division, United States Army, the Medal of Honor for his valor at Belete Pass in Luzon, Philippine Islands, on March 8, 1945; to the Committee on Armed Services.

462. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 87 memorializing the Congress of the United States to pass the Employee Free Choice Act, S. 1925 and H.R. 3619; to the Committee on Education and the Workforce.

463. Also, a memorial of the Senate of the Commonwealth of The Mariana Islands, relative to Senate Resolution No. 14-26, extending congratulations and appreciation to Juan S. Reyes, Chairman of the Republican Party of the NMI for his professional dedication and untiring efforts to secure membership for the NMI Republican Party at the national level and to encourage other local political parties to seek similar national recognition; to the Committee on Resources.

464. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 320 memorializing the Congress of the United States and the United States Department of Transportation to exempt local transporters of liquid petroleum from federal regulations that require 10 hours off duty for every 14 hours on duty; to the Committee on Transportation and Infrastructure.

465. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 74 memorializing the President and the Congress to take legislative action to allow single-occupant hybrid electric vehicles that achieve a fuel economy highway rating of at least 45 miles per gallon, and conform to any additional emissions category of the federal Environmental Protection Agency or the California Air Resources Board, or meet any other requirements identified by the responsible agency, to travel in California's High Occupancy Vehicle (HOV) lanes; to the Committee on Transportation and Infrastructure.

466. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 86 memorializing the President and Congress of the United States to enact and fully fund the proposed budget for space exploration for the federal 2005 fiscal year to enable the United States, and California, in particular, to remain a leader in the exploration and development of space; to the Committee on Science.

467. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 71 memorializing the President and Congress of the United States to amend Title 38 of the United States Code to provide a guaranteed level of funding for veterans health care and to require that medical benefits package eligibility be restored for veterans in Priority Group 8; and the Department of Veterans Affairs to carry out its duties to seek out eligible veterans and their family members, and to provide them with information and assistance to ensure that they apply for all available VA benefits and services; to the Committee on Veterans' Affairs.

468. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 69 memorializing the Congress of the United States to support the passage of H.R. 3242, the Speciality Crop Competitiveness Act of 2003; jointly to the Committees on Agriculture and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 814: Mr. NEAL of Massachusetts and Mr. CROWLEY.

H.R. 846: Mrs. DAVIS of California.

H.R. 1268: Mr. OLVER.

H.R. 1563: Ms. KILPATRICK and Ms. CORRINE BROWN of Florida.

H.R. 1567: Mr. ALEXANDER.

H.R. 1746: Mr. HASTINGS of Florida.

H.R. 1818: Mr. ANDREWS.

H.R. 2379: Mr. CHANDLER.

H.R. 2387: Mr. ANDREWS and Mr. LYNCH.

H.R. 2394: Mr. DAVIS of Alabama.

H.R. 2464: Ms. BERKLEY.

H.R. 2509: Ms. HARRIS.

H.R. 2671: Mr. PETERSON of Minnesota.

H.R. 3049: Mr. DAVIS of Alabama.

H.R. 3127: Mr. DAVIS of Illinois and Mr. PICKERING.

H.R. 3194: Mr. ANDREWS.

H.R. 3438: Mr. KIRK, Mr. BACA, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. HASTINGS of Florida.

H.R. 3455: Mr. HASTINGS of Florida.

H.R. 3539: Mr. CONYERS and Mr. DAVIS of Illinois.

H.R. 3634: Mr. HASTINGS of Florida.

H.R. 3750: Mr. HONDA.

H.R. 3803: Mr. HASTINGS of Florida.

H.R. 3887: Mr. MICHAUD.

H.R. 4026: Mr. RUSH.

H.R. 4169: Mr. RYUN of Kansas and Mr. ISRAEL.

H.R. 4249: Mr. ABERCROMBIE and Mr. PORTER.

H.R. 4543: Mr. KING of Iowa.

H.R. 4575: Mr. ANDREWS.

H.R. 4605: Mr. HONDA.

H.R. 4679: Mr. MARKEY.

H.R. 4703: Mr. PAYNE.

H.R. 4706: Mr. WEINER, Mr. EVANS, Mr. ENGEL, Mr. CUMMINGS, Ms. MCCARTHY of Missouri, Mr. RUSH, and Mr. BACA.

H.R. 4779: Mr. DAVIS of Alabama.

H.R. 4902: Mrs. WILSON of New Mexico and Mr. ALLEN.

H.R. 4927: Mr. BROWN of South Carolina and Mr. SCHIFF.

H.R. 4936: Mr. OLVER and Mr. UDALL of Colorado.

H.R. 4967: Mr. HASTINGS of Florida.

H.R. 5035: Mr. GRIJALVA.

H.R. 5055: Mr. LYNCH, Mr. MORAN of Kansas, Mr. TOWNS, Mr. McNULTY, and Mr. HASTINGS of Florida.

H.R. 5063: Mr. UPTON.

H.R. 5069: Mr. THOMPSON of Mississippi.

H.R. 5073: Ms. DEGETTE, Ms. SCHAKOWSKY, Mr. OWENS, Ms. SLAUGHTER, Ms. WOOLSEY, and Mr. NADLER.

H.R. 5119: Mr. PASTOR.

H.R. 5124: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 5144: Mr. TOM DAVIS of Virginia.

H.R. 5197: Mr. LAHOOD, Mr. HINCHEY, Mr. OSBORNE, Mr. MORAN of Kansas, and Mr. GRIJALVA.

H.R. 5206: Mr. KELLER.

H.R. 5211: Mr. POMEROY, Mr. THOMPSON of Mississippi, and Mr. UDALL of Colorado.

H.R. 5244: Ms. SOLIS, Mr. CASE, Mr. WYNN, Ms. WATERS, and Mr. SCHIFF.

H.R. 5273: Mr. CALVERT.

H.R. 5278: Mr. FILNER.

H.R. 5315: Mr. LANTOS.

H.R. 5344: Mr. GRIJALVA.

H.R. 5365: Mr. BEAUPREZ.

H.J. Res. 103: Mr. WYNN and Mr. WEINER.

H. Con. Res. 30: Mr. CLAY.

H. Con. Res. 87: Mr. MENENDEZ.

H. Con. Res. 99: Mr. WYNN.

H. Con. Res. 175: Mr. MENENDEZ.

H. Con. Res. 481: Mr. McNULTY.

H. Con. Res. 512: Mr. ROHRABACHER, Mrs. KELLY, Mr. RYAN of Ohio, Mr. TANCREDO, Mr. SOUDER, Mr. McNULTY, Mr. ETHERIDGE, Mr. WU, Mr. SENSENBRENNER, and Mr. COX.

H. Con. Res. 522: Mr. PLATTS, Mr. ROGERS of Alabama, Mr. HAYES, Mr. ETHERIDGE, Mr. RYUN of Kansas, Mr. ISSA, Mr. OTTER, Mr. HUNTER, Mr. TAYLOR of Mississippi, Mr. TERRY, Mr. WHITFIELD, Mr. STEARNS, Mr. FOSSELLA, Mr. FORBES, Mr. MILLER of Florida, Mr. LEWIS of California, Mr. MURTHA, Mr. REYES, and Mr. PICKERING.

H. Res. 862: Mr. LANTOS and Mr. BERMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1078: Mr. BISHOP of Utah.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

125. The SPEAKER presented a petition of the City Council of Providence, Rhode Island, relative to Resolution No. 457 petitioning Senators Reed and Chafee and Representatives Langevin and Kennedy to cosponsor and support the Arthritis Prevention, Control and Cure Act of 2004; to the Committee on Energy and Commerce.

126. Also, a petition of the Legislature of Cattaraugus County, New York, relative to Act No. 460-2004 supporting House Resolution 4790 authorizing importation of prescription drugs from Canada and certain other countries; to the Committee on Energy and Commerce.

127. Also, a petition of the City Council of Atlanta, Georgia, relative to Resolution No. 04-R-1723 supporting the denouncement of atrocities committed by the Janajaweed and urging the Sudanese government to cut its ties to the Militia responsible and demand that they disarm immediately; and for other purposes; to the Committee on International Relations.

128. Also, a petition of the Mayor and City Council of North Miami Beach, Florida, relative to Resolution No. R2004-66 petitioning Congress to renew the ban on assault weapons; to the Committee on the Judiciary.

129. Also, a petition of the Council of the City and County of Honolulu, Hawaii, relative to Resolution No. 04-267 petitioning the President and Congress of the United States to enact legislation to restore veterans' benefits to Filipino veterans of World War II; to the Committee on Veterans' Affairs.